University of London

REPORTS

FROM

COMMITTEES:

SIX VOLUMES.

— *(5.)* —

HUNGERFORD BRIDGE AND WELLINGTON-STREET VIADUCT;
INCLOSURE ACT; METROPOLITAN COMMONS ACT;
NEW LAW COURTS;
PUBLIC OFFICES CONCENTRATION; WISLEY COMMON.

Session
10 *December* 1868——11 *August* 1869.

VOL. X.

1868-9.

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1868-9.

SIX VOLUMES.—CONTENTS OF THE

FIFTH VOLUME.

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FIRST

REPORT

FROM THE

SELECT COMMITTEE

ON

HUNGERFORD BRIDGE

AND

WELLINGTON-STREET VIADUCT;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
10 *May* 1869.

Tuesday, 23rd February 1869.

Ordered, THAT a Select Committee be appointed to inquire into the Roadway and Viaduct proposed to be made on the Thames Embankment from Hungerford Bridge to Wellington-street, Strand, and whether the Site might not be more advantageously occupied by some Public Building; also to inquire whether any, and if so what, controlling power over Public Works in the Metropolis is vested in and exercised by any Government Department.

Tuesday, 2nd March 1869.

Ordered, THAT the Select Committee do consist of Seventeen Members.

Committee nominated of—

Lord Elcho.	Mr. Beresford Hope.
Mr. Layard.	Mr. Buxton.
Mr. William Cowper.	Viscount Bury.
Lord John Manners.	Captain Dawson-Damer.
Mr. Bentinck.	Viscount Sandon.
Mr. Sclater-Booth.	Mr. M'Clean.
Mr. Tite.	Mr. Alderman Lawrence.
Mr. William Henry Smith.	Mr. Dilke.
Mr. Gregory.	

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Thursday, 11th March 1869.

Thames Embankment.—*Ordered,* THAT the Petition from St. Paul's, Covent Garden against Abandonment of proposed Roadway, be referred to this Committee.

Tuesday, 23rd March 1869.

Thames Embankment.—*Ordered,* THAT the Petition from the Vestry of St. James, Westminster, for delay of Roadway until further inquiry has been instituted as to its necessity [presented 19th February], be referred to this Committee.

Tuesday, 6th April 1869.

Ordered, THAT it be an Instruction to the Committee that they have power to inquire and report as to all the lateral Communications intended to be made with the Embankment Roadway.

Friday, 9th April 1869.

Ordered, THAT it be an Instruction to the Committee to inquire and report specially to The House whether any Public Buildings now existing or that may hereafter be erected on the Thames Embankment Site, are likely to be injuriously affected by the Metropolitan District Railway, or by any other Railway or Railways now in progress or sanctioned by Parliament on the Embankment; and, if so, whether it would be possible, in the construction of the Railways, to guard against such injury.

Monday, 10th May 1869.

Ordered, THAT the Committee have power to report their Opinion and Observations, together with the Minutes of Evidence taken before them, from time to time to The House.

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PALL MALL

FIRST REPORT.

THE SELECT COMMITTEE appointed to inquire into the ROADWAY and VIADUCT proposed to be made on the THAMES EMBANKMENT from HUNGERFORD BRIDGE to WELLINGTON-STREET, STRAND, and whether the Site might not be more advantageously occupied by some Public Building; also to inquire whether any, and if so what, controlling power over Public Works in the Metropolis is vested in and exercised by any Government Department; and who were instructed that they have power to inquire and report as to all the lateral Communications intended to be made with the Embankment Roadway; and who were further instructed to inquire and report specially to The House, whether any public buildings now existing, or that may hereafter be erected on the Thames Embankment Site, are likely to be injuriously affected by the Metropolitan District Railway, or by any other Railway or Railways now in progress or sanctioned by Parliament on the Embankment; and, if so, whether it would be possible, in the construction of the Railways, to guard against such injury;——HAVE made progress in the matters to them referred, and have come to the following RESOLUTIONS, which they have agreed to report to The House.

1. THAT land between the Charing Cross Railway and Waterloo Bridge, amounting to $9\frac{1}{4}$ acres, has been reclaimed from the river by the formation of the Thames Embankment on the northern side of the river by the Metropolitan Board of Works.

2. That the total expenditure upon this work will amount, at its completion, to 1,800,000 *l.*

3. That its cost is defrayed out of the London Coal and Wine Dues; in other words, by a tax upon the inhabitants of the metropolis.

4. That no public money has been contributed towards it, but that previous to the commencement of the undertaking the Metropolitan Board of Works had to pay 27,000 *l.* to the Crown and to the Conservators of the Thames for rights of foreshore, the Crown at the same time obtaining possession for ornamental, building, or other purposes, of $4\frac{3}{4}$ acres of valuable land reclaimed from the river.

5. That the land reclaimed between Charing Cross Bridge and Waterloo Bridge is suitable as a site for public buildings; but by the Act 25 & 26 Vict. c. 93, this land is to be reserved as recreation or ornamental ground, and is not available for the erection of such buildings.

6. That the land adjoining the reclaimed land is private property, which, if purchased by the Government, might also furnish a suitable site for public buildings, without involving the necessity of encroaching upon the reclaimed land reserved by Statute for recreation and ornamental ground.

7. That the owners of this property may turn it to the best advantage by erecting thereon whatever buildings they may think commercially most valuable and productive.

8. That

8. That thus the general architectural effect of the Embankment will now mainly depend upon the character of the private buildings so erected.

9. That many of the buildings on the private property adjoining the reclaimed land are now of a very inferior character.

10. That if public buildings were erected on the reclaimed land, they would be a great ornament to the metropolis, and would also act in a great measure as a screen against any possible disfigurement of the locality by the chance erections of private speculation.

11. That the First Commissioner of Works has made a suggestion to the Committee for the erection of a public building, such as a Museum of Natural History, on this site; and that he has stated that many men of science and others who were opposed to the removal of the Natural History Museum to Kensington, approve of the suggested Embankment site.

12. That Sir Roderick Murchison, Professor Owen, and Professor Huxley have given evidence in favour of the transfer of the Natural History collections of the British Museum to this site, in preference to the proposed site at South Kensington, and that Mr. Cole has also given evidence in the same sense.

13. That the Natural History Museum, if erected in this locality, would be as much in the great centre of population as if it remained in Bloomsbury, and that it would possess facilities of approach by river, rail, and the Embankment roadway, such as the British Museum does not possess, and would be easily accessible for the population south of London, now without any museum.

14. That the occupation of a portion of this site by the Natural History Museum might be combined with terrace-walks and open ornamental ground.

15. That by the Act 25 & 26 Vict. c. 93, the Metropolitan Board of Works are under an engagement to construct a roadway from the Embankment below Charing Cross Railway Bridge to Wellington-street, Strand, at an estimated cost of 230,000 *l.*

16. That this roadway will run partly on an embankment, partly on a viaduct, and will occupy $1\frac{1}{4}$ acres of the land reclaimed.

17. That the formation of this roadway intersecting the reclaimed land would render the erection of any public building on this site impossible.

18. That, looking to the arterial communications of the metropolis, this roadway would not give an approach to the Embankment from the districts lying west and north-west.

19. That the wants of these districts would, in this respect, be best met either by a direct approach to the Embankment from Charing Cross through Northumberland House, or by a curved line of roadway from Charing Cross, skirting Northumberland House and gardens.

20. That in the event of the Carey-street site being retained for the New Law Courts, the roadway between Wellington-street and the Embankment would not relieve the traffic of the Strand between Carey-street and Wellington-street; and that in the event of the New Law Courts and buildings being erected, either in whole or in part, on the Thames Embankment to the east of Somerset House, the roadway from Wellington-street to the Embankment would be little or no convenience to persons proceeding from the Law Courts to Westminster.

21. That whether the New Law Courts be erected on the Carey-street or Thames Embankment site, a carriage approach to the Embankment roadway and Metropolitan Railway from the Strand, in the direction of Essex-street, would be most convenient and indispensable for the arterial communications of the metropolis.

22. That, looking to the convenience of the metropolis, money expended on approaches to the Embankment roadway from Charing Cross, and from the Strand, in the direction of Essex-street, would be better applied than in the making of the roadway from the Embankment below Charing Cross Railway Bridge to Wellington-street, Strand.

23. That

23. That in the event of the Natural History Museum or any other public buildings being erected on a portion of the reclaimed land, a carriageway might easily be formed behind it, if such communication were hereafter found to be necessary, from both sides, connecting the Strand with the Embankment roadway, and there would also be no difficulty in making footway communication with existing streets.

24. That, taking these things into consideration, your Committee are of opinion that the Metropolitan Board of Works ought to be relieved from the formation of the intended roadway from the Embankment below Charing Cross Railway Bridge to Wellington-street, and that so much of the Act 25 & 26 Vict. c. 93, as applies to the formation of this roadway, should be repealed.

25. That your Committee consider the suggestion to erect a Natural History Museum in this locality, and to combine with it terrace-walks and open ornamental ground, is deserving of the favourable consideration of Parliament, as best meeting the requirements of all parts of the metropolis, both north and south; and that in the event of any such building being erected in this locality, due consideration should be shown for all private rights.

26. That your Committee, while making this last recommendation, have not taken such evidence as would enable them to express any opinion on the probable cost of applying the sites in question to the erection of such a building.

27. That Mr. Walker, Superintendent of the Metropolitan Police, has stated in evidence that a carriage approach from Parliament-street, by Derby-street, to the Embankment roadway is necessary to relieve the traffic at Bridge-street going from the Thames Embankment roadway to the Houses of Parliament and the West of London.

10 *May* 1869.

PROCEEDINGS OF THE COMMITTEE.

Tuesday, 23*rd March* 1869.

MEMBERS PRESENT:

Lord Elcho.	Mr. Alderman Lawrence.
Mr. William Cowper.	Mr. Sclater-Booth.
Mr. Tite.	Mr. Bentinck.
Mr. Dawson-Damer.	Viscount Bury.
Mr. Gregory.	Mr. William H. Smith.
Mr. Beresford Hope.	Viscount Sandon.
Mr. Dilke.	Mr. M'Clean.

Lord *Elcho* was called to the Chair.

The Committee deliberated.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 6*th April* 1869.

MEMBERS PRESENT:

Lord ELCHO in the Chair.

Mr. Beresford Hope.	Captain Dawson-Damer.
Mr. Alderman Lawrence.	Mr. W. H. Smith.
Mr. Tite.	Mr. Dilke.
Viscount Sandon.	Mr. Buxton.
Mr. W. Cowper.	Mr. M'Clean.
Mr. Layard.	Viscount Bury.
Lord John Manners.	

Sir *John Thwaites* examined.

[Adjourned till Monday next, at Twelve o'clock.

Tuesday, 13*th April* 1869.

MEMBERS PRESENT:

Lord ELCHO in the Chair.

Mr. Layard.	Mr. Buxton.
Mr. W. Cowper.	Mr. M'Clean.
Mr. Tite.	Lord John Manners.
Mr. Gregory.	Mr. Bentinck.
Mr. Dilke.	Mr. Beresford Hope.
Captain Dawson-Damer.	Mr. W. H. Smith.

Instruction of the House to the Committee of the 11th instant, read.

Mr. *John Taylor*, Mr. *Hawkshaw*, Dr. *Percy*, Mr. *Gregory*, Mr. *Fergusson*, Mr. *W. Bridges Adams*, Mr. *Bazalgette*, and Mr. *Fowler*, severally examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 19*th April* 1869.

MEMBERS PRESENT:

Lord ELCHO in the Chair.

Mr. Layard.	Mr. M'Clean.
Mr. Tite.	Mr. Buxton.
Mr. W. Cowper.	Mr. W. H. Smith.
Mr. Alderman Lawrence.	Mr. Beresford Hope.
Viscount Sandon.	Viscount Bury.
Captain Dawson-Damer.	Mr. Dilke.
Mr. Sclater-Booth.	

Sir *John Thwaites* and Right Hon. *A. H. Layard*, M.P., severally examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 26*th April* 1869.

MEMBERS PRESENT:

Lord ELCHO in the Chair.

Mr. Layard.	Mr. W. H. Smith.
Mr. Tite.	Mr. Buxton.
Viscount Sandon.	Mr. M'Clean.
Mr. Alderman Lawrence.	Mr. Gregory.
Mr. Beresford Hope.	Mr. Sclater-Booth.
Lord John Manners.	Captain Dawson-Damer.
Mr. Dilke.	

The Rev. *H. White*, M.A., Mr. *Bidgood*, and Mr. *Pennethorne*, severally examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 3*rd May* 1869.

MEMBERS PRESENT:

Lord ELCHO in the Chair.

Mr. Layard.	Mr. Beresford Hope.
Mr. W. Cowper.	Mr. Tite.
Mr. Dilke.	Mr. Buxton.
Mr. Alderman Lawrence.	Mr. W. H. Smith.
Lord John Manners.	Viscount Bury.
Mr. W. H. Gregory.	

Mr. *Cole*, C.B., Professor *Owen*, Sir *Roderick Murchison*, Professor *Huxley*, Mr. *Waterhouse*, Mr. *Hooper*, Mr. *Edgar Bowring*, C.B., M.P., and Mr. *Creasy*, severally examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 10*th May* 1869.

MEMBERS PRESENT:

Lord ELCHO in the Chair.

Mr. Layard.	Mr. Beresford Hope.
Mr. W. Cowper.	Mr. Tite.
Mr. W. H. Smith.	Mr. M'Clean.
Mr. Buxton.	Lord John Manners.
Mr. Alderman Lawrence.	

Mr. *Waterhouse* further examined.

Mr. Superintendent *Walker* examined.

The Committee deliberated.

Resolutions proposed by the Chairman considered.

" *Resolved*, 1. That land between the Charing Cross Railway and Waterloo Bridge, amounting to 9¼ acres, has been reclaimed from the river by the formation of the Thames Embankment on the northern side of the river by the Metropolitan Board of Works.

" *Resolved*, 2. That the total expenditure upon this work will amount, at its completion, to 1,800,000 *l.*

" *Resolved*, 3. That its cost is defrayed out of the London Coal and Wine Dues; in other words, by a tax upon the inhabitants of the metropolis.

" *Resolved*, 4. That no public money has been contributed towards it, but that previous to the commencement of the undertaking the Metropolitan Board of Works had to pay 27,000 *l.* to the Crown and to the Conservators of the Thames for rights of foreshore, the Crown at the same time obtaining possession for ornamental, building, or other purposes, of 4¾ acres of valuable land reclaimed from the river.

" *Resolved*, 5. That the land reclaimed between Charing Cross Bridge and Waterloo Bridge is suitable as a site for public buildings; but by the Act 25 & 26 Vict. c. 93, this land is to be reserved as recreation or ornamental ground, and is not available for the erection of such buildings.

" *Resolved*, 6. That the land adjoining the reclaimed land is private property, which, if purchased by the Government, might also furnish a suitable site for public buildings, without involving the necessity of encroaching upon the reclaimed land reserved by Statute for recreation and ornamental ground.

" *Resolved*, 7. That the owners of this property may turn it to the best advantage by erecting thereon whatever buildings they may think commercially most valuable and productive.

" *Resolved*, 8. That thus the general architectural effect of the Embankment will now mainly depend upon the character of the private buildings so erected.

" *Resolved*, 9. That many of the buildings on the private property adjoining the reclaimed land are now of a very inferior character.

" *Resolved*, 10. That if public buildings were erected on the reclaimed land, they would be a great ornament to the metropolis, and would also act in a great measure as a screen against any possible disfigurement of the locality by the chance erections of private speculation.

" *Resolved*, 11. That the First Commissioner of Works has made a suggestion to the Committee for the erection of a public building, such as a Museum of Natural History, on this site, and that he has stated that many men of science and others who were opposed to the removal of the Natural History Museum to Kensington, approve of the suggested Embankment site.

" *Resolved*, 12. That Sir Roderick Murchison, Professor Owen, and Professor Huxley have given evidence in favour of the transfer of the Natural History collections of the British Museum to this site, in preference to the proposed site at South Kensington, and that Mr. Cole has also given evidence in the same sense.

" *Resolved*, 13. That the Natural History Museum, if erected in this locality, would be as much in the great centre of population as if it remained in Bloomsbury, and that it would

would possess facilities of approach by river, rail, and the Embankment roadway, such as the British Museum does not possess, and would be easily accessible for the population south of London, now without any museum.

"*Resolved*, 14. That the occupation of a portion of this site by the Natural History Museum might be combined with terrace-walks and open ornamental ground.

"*Resolved*, 15. That by the Act 25 & 26 Vict. c. 93, the Metropolitan Board of Works are under an engagement to construct a roadway from the Embankment below Charing Cross Railway Bridge to Wellington-street, Strand, at an estimated cost of 230,000 *l.*

"*Resolved*, 16. That this roadway will run partly on an embankment, partly on a viaduct, and will occupy 1¼ acres of the land reclaimed.

"*Resolved*, 17. That the formation of this roadway intersecting the reclaimed land would render the erection of any public building on this site impossible.

"*Resolved*, 18. That, looking to the arterial communications of the metropolis, this roadway would not give an approach to the Embankment from the districts lying west and north-west.

"*Resolved*, 19. That the wants of these districts would, in this respect, be best met either by a direct approach to the Embankment from Charing Cross through Northumberland House, or by a curved line of roadway from Charing Cross, skirting Northumberland House and gardens.

"*Resolved*, 20. That in the event of the Carey-street site being retained for the New Law Courts, the roadway between Wellington-street and the Embankment would not relieve the traffic of the Strand between Carey-street and Wellington-street; and that in the event of the New Law Courts and buildings being erected, either in whole or in part, on the Thames Embankment to the east of Somerset House, the roadway from Wellington-street to the Embankment would be little or no convenience to persons proceeding from the Law Courts to Westminster.

"*Resolved*, 21. That whether the New Law Courts be erected on the Carey-street or Thames Embankment site, a carriage approach to the Embankment roadway and Metropolitan Railway from the Strand, in the direction of Essex-street, would be most convenient and indispensable for the arterial communications of the metropolis.

"*Resolved*, 22. That, looking to the convenience of the metropolis, money expended on approaches to the Embankment roadway from Charing Cross, and from the Strand, in the direction of Essex-street, would be better applied than in the making of the roadway from the Embankment below Charing Cross Railway Bridge to Wellington-street, Strand.

"*Resolved*, 23. That in the event of the Natural History Museum or any other public buildings being erected on a portion of the reclaimed land, a carriageway might easily be formed behind it, if such communication were hereafter found to be necessary, from both sides, connecting the Strand with the Embankment roadway, and there would also be no difficulty in making footway communication with existing streets.

"*Resolved*, 24. That, taking these things into consideration, your Committee are of opinion that the Metropolitan Board of Works ought to be relieved from the formation of the intended roadway from the Embankment below Charing Cross Railway Bridge to Wellington-street, and that so much of the Act 25 & 26 Vict. c. 93, as applies to the formation of this roadway, should be repealed.

"*Resolved*, 25. That your Committee consider the suggestion to erect a Natural History Museum in this locality, and to combine with it terrace-walks and open ornamental ground, is deserving of the favourable consideration of Parliament, as best meeting the requirements of all parts of the metropolis, both north and south; and that in the event of any such building being erected in this locality, due consideration should be shown for all private rights.

"*Resolved*, 26. That your Committee, while making this last recommendation, have not taken such evidence as would enable them to express any opinion on the probable cost of applying the sites in question to the erection of such a building.

"*Resolved*, 27. That Mr. Walker, Superintendent of the Metropolitan Police, has stated in evidence that a carriage approach from Parliament-street, by Derby-street, to the Embankment roadway is necessary to relieve the traffic at Bridge-street going from the Thames Embankment roadway to the Houses of Parliament and the West of London."

Question, That these Resolutions be reported to the House,—put, and *agreed to.*

Ordered, To Report, together with the Minutes of Evidence and Appendix.

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MINUTES OF EVIDENCE.

Tuesday, 6th April 1869.

MEMBERS PRESENT:

Viscount Bury.
Mr. Buxton.
Mr. William Cowper.
Captain Dawson-Damer.
Mr. Dilke.
Lord Elcho.
Mr. Beresford Hope.
Mr. Layard.
Mr. M'Clean.
Lord John Manners.
Viscount Sandon.
Mr. William Henry Smith.
Mr. Tite.

LORD ELCHO, IN THE CHAIR.

Sir JOHN THWAITES, called in; and Examined.

Sir *J. Thwaites.*
6 April 1869.

1. *Chairman.*] I BELIEVE you are Chairman, are you not, of the Metropolitan Board of Works?—I am.

2. How long have you been chairman; since its first commencement?—I have been chairman nearly 14 years; since 1855.

3. The Metropolitan Board of Works grew, did it not, out of the Metropolitan Commission of Sewers?—Yes, we succeeded that body.

4. The Metropolitan Commission of Sewers was appointed by the 11th & 12th Victoria, chapter 112, and the Metropolitan Board of Works was established by the Metropolis Management Act of 1855, namely, the 18th & 19th Victoria, chapter 120; that is so, is it not?—That is so.

5. And have you been chairman from that time; from 1855?—Yes.

6. From its first start as the present Metropolitan Board of Works?—Yes.

7. There have been subsequent Acts passed, have there not, amending the Metropolis Management Act of 1855?—Several.

8. What is the chief Act that has in any way altered the constitution or the powers of your Board?—The Act of 1862.

9. That is the 25th & 26th Victoria, chapter 102, is it not?—Yes.

10. I see by a Report which you have laid before Parliament, that the duties of the Metropolitan Board of Works under the Metropolis Management Act, 1855, were to execute works to prevent sewage passing into the Thames, to control the construction of sewers by vestries, to regulate the naming of streets and the numbering of houses, to make improvements, to control the line of buildings in streets, to purchase and lease lands, to borrow on mortgage, to make parks, to preserve open spaces, to construct works on the banks of the Thames, to set back any buildings projecting beyond the general line, to sanction the formation of streets of less width than 40 feet, and to levy rates?—Yes, and generally to carry out such works as might be necessary to facilitate the traffic of the metropolis.

11. You have under this Act very considerable powers, have you not?—Yes.

12. Very considerable powers of assessment?—Yes, unlimited powers.

13. Are your powers of assessment limited only by your own discretion?—They are limited only by the want of capacity of the ratepayers to pay.

14. That is to say, as long as the ratepayers do not rebel you have the power of assessing them?—Quite so.

15. Is there any appeal against these very large powers which you exercise under these Acts, or anything more than the general redress which the courts of law have open for any one?—No; there is no appeal except the ordinary appeal for re-election.

16. There is no appeal to any other Board?—Only the re-election of members.

17. An appeal would not lie to any of the courts of law?—No.

18. How is your Board constituted; it is an elective Board, is not it?—It is.

19. It is composed, is not it, of representatives of the City of London, and of various vestries and parishes under the Act; certain vestries send two members, certain other vestries send one, and certain districts and combined districts send a member each; is not that so?—That is so.

20. These members are elected by the vestries, are they not?—They are elected by the vestries and district boards.

Sir *J. Thwaites.*

6 April 1869.

21. Is the chairman elected by those representatives so sent by the vestries and the district boards to the Metropolitan Board of Works, or is he appointed by the Crown?—He is elected by the representatives.

22. The chairman is paid, I suppose?—Yes.

23. How often does this election by the vestries of members of the Metropolitan Board of Works take place?—They are elected for a term of three years. Our Board is constituted of 45 members, or, with myself, 46; one-third, that is, 15 members, goes out every year, so that, in point of fact, they are elected for three years.

24. Is the chairman elected every three years, or permanently?—Permanently.

25. Is there a permanent deputy chairman?—No.

26. Is there a permanent secretary?—No; the Board has, for convenience, and for my own relief, appointed a deputy chairman of committees, of which there are five or six.

27. May I ask what is the salary of the chairman of the Board?—£. 2,000 a year fixed by the Act.

28. Is there any salary attached to the office of deputy chairman?—None.

29. The secretary, I presume, is paid?—Yes.

30. How is he appointed; by the Board or by the chairman?—He is appointed by the Board; all our officers are appointed by the Board.

31. And he is paid out of the general rates?—Yes.

32. The chairman's salary is also paid out of the general rates, I suppose?—Yes, out of the general rates.

33. And nothing comes out of the public funds for that purpose?—Nothing.

34. You have said that there is no appeal, and no control whatever exercised by anybody over the proceedings of your Board, save such redress as the courts of law have open for anyone: in the original Act, constituting the Board, namely, the Act of 1855, 18 & 19 Vict. c. 120, was not there a clause by which all sums of money expended by the Board in any public work amounting to 50,000 *l.* required the assent of the First Commissioner of Works of the Crown before they were so expended?—Yes.

35. And was not there, either in the same clause or some other clause of the same Act, a further provision that the expenditure of any sum of 100,000 *l.* or upwards required the sanction of Parliament before the Board of Works could so expend that money?—Yes.

36. That clause has been struck out, has not it?—Yes.

37. At present, as you say, there is no control over the Board in that respect?—That is so.

38. When was that clause struck out?—In 1858.

39. By an Act which amended the former Act?—Yes; by an Act, intituled "An Act to enable the Board to carry out the Main Drainage and levy Rates for that purpose."

40. Can you state to the Committee why that provision in the original Act was struck out in 1858?—It was struck out in consequence of the Board being brought to a dead lock by the vetoes exercised under the Act of 1855.

41. In what case had there been a dead lock, and by whom had this veto been exercised which brought about the dead lock; was it by the Commissioner of Works, or Parliament?—The Commissioner of Works.

42. What was the occasion on which the Commissioner of Works exercised this veto?—Sir Benjamin Hall was then the First Commissioner of Works, and he had the power to reject any plan for the main drainage of the metropolis which did not in his judgment meet the requirements of the case, and from the 1st January 1856, up to March, I think, 1858, we had constant controversies with Sir Benjamin Hall as to the main drainage of the metropolis.

43. Controversies arising out of what; out of differences as to principle?—From a difference of view as to the mode in which the main drainage should be carried out. We presented to him for his approval under the Act three distinct plans, all of which he rejected, and we were delayed in taking any action in reference to the main drainage of the metropolis until the year 1858. Sir Benjamin Hall, in order to embody his own ideas, referred the drainage of the metropolis to what he was pleased to call "three independent engineers." They produced a plan——

44. Forgive my interrupting you; were the plans you had submitted, plans which had been drawn up by your own engineer?—They were plans prepared by our own engineer.

45. Who was your engineer at that time?—Mr. Bazalgette.

46. The same gentleman who is the engineer now, and who designed the Embankment?—Yes; Sir Benjamin Hall referred to three engineers the duty of preparing a scheme for the main drainage of the metropolis. A scheme was accordingly prepared and sent to us.

47. Who were those engineers?—Mr. Simpson, Mr. Galton, and Mr. Blackwell.

48. Is that the Mr. Galton who is now at the War Office, or his brother?—Captain Galton.

49. Who is now at the War Office?—Yes. That scheme we carefully examined. One of the principal objections to the scheme prepared by the three independent engineers appointed by the First Commissioner of Works was, that it involved an open cutting, in point of fact, a river, with a very slight fall indeed, for the sewage for some miles. The consequence of such an arrangement would have been to endanger the public health, and we felt such an objection to it that, under no circumstances could we admit that that was the proper principle of draining the metropolis, the object of which was really to improve its sanitary condition. The next objection we had was, that on working out the cost by taking out the quantities, we found that it involved an expenditure of nearly 11,000,000 sterling; that was the second, and what we deemed to be a fatal objection to the scheme proposed. We were unable to convince Sir Benjamin Hall of the difficulty, but a change of Government took place; the Thames was in a very bad condition in the year 1858, and a determination was arrived at by the then Government (Lord Derby's Government), in accordance with which Mr. Disraeli, as the Chancellor of the Exchequer, introduced a Bill removing those vetoes which had so perplexed the Board and hampered its free action as a representative body. Parliament removed those vetoes in 1858, and in less than 14 days from the Royal Assent being given to the Bill, steps were taken and plans were being prepared for carrying out the main drainage of the metropolis. Therefore it is quite clear that no system of check, such as you have suggested, could be practically applied to a representative body like ours.

ours. It would be always bringing them into conflict with the authority which had the veto. The Board are responsible to their ratepayers, who subscribe the funds, and that is the only body to whom they should be responsible.

50. Did this Bill, which took away the check existing under the original constitution of the Board, meet with any opposition in Parliament on the part of Sir Benjamin Hall or anyone else?—I do not remember any opposition.

51. You have mentioned this one dead lock arising out of the question of drainage; did any other dead lock arise between you and the Commissioner of Works on any other point?—I think there was also a sanction necessary by the First Commissioner for the re-naming of the streets. There were little difficulties felt with reference to re-naming the streets, and that veto also was removed at the same time that this larger veto, if I may so describe it, was removed by Parliament in 1858.

52. All veto was removed then, and no veto of any kind at present exists?—No.

53. Will you kindly state how the connection of the Metropolitan Board of Works with the construction of the Thames Embankment first arose?—When we were considering the question of constructing the Low Level sewer, which, apart from the Thames Embankment, must have been constructed along the Strand, Fleet-street, and other streets of that character, where there was a heavy traffic in a narrow street, with lofty buildings on either side, it became a very difficult matter to determine whether a sewer of the capacity which was really required for draining that district could with safety be carried along the Strand, and so on, apart from the inconvenience the public would have suffered from the obstruction of the traffic. It then occurred to me that I would see Mr. Cowper, who was the First Commissioner of Works, and talk the matter over with him, and see whether it was not possible to combine a Thames Embankment with the formation of the Low Level sewer.

54. That was in the year 1860, was not it?—I think it was the year 1860; thus avoiding the serious interruption to the traffic of the Strand and Fleet-street, and other streets connected with them, and also avoiding the danger and consequent cost of constructing the sewer along this line of roads. I had a long conversation with the First Commissioner, who very courteously and cordially entered into the difficulties I pointed out, and I believe he suggested that probably the best mode would be to appoint a Committee of the House to investigate this matter, and that I should give evidence before that Committee to the purport of that which I had stated privately to him. It was then suggested that Mr. Locke, the engineer, one of the Members for Honiton, would be a very suitable person to move the Committee. The First Commissioner of Works, however, finding, in a subsequent conversation with Sir Joseph Paxton upon the subject, that he took it up very warmly, wrote a note to me, stating that Sir Joseph Paxton had taken the matter up very cordially, and that he was willing to move the Committee. He did move the Committee, and evidence was given before that Committee by myself, by our engineer, and by several other parties whose interests would be affected by the proposed Embankment; and, after the report of that Committee, a Royal Commission was appointed, which investigated the whole question.

55. The Commission reported strongly in favour of the Embankment, did it not?—The Commission reported strongly in favour of an embankment, and subsequently another commission reported in favour of a southern embankment; then a Bill was introduced, I think, in the year 1862 by Her Majesty's Office of Works to carry out generally the recommendation of the Commission, and to clothe the Metropolitan Board of Works with the necessary powers to carry out the Thames Embankment in connection with the construction of the Low Level Sewer, and those powers were given to the Board. But there was a considerable difference of opinion existing between Her Majesty's Board of Works and our Board with regard to the mode in which the reclaimed area of the Thames Embankment should be dealt with; we had a very strong idea that an embankment being made of the character of that which has been carried out, with a roadway of 100 feet wide, it would be a discreditable state of things to leave ragged walls, such as those which any honourable Member of the House can observe in passing up or down the river without any screen or covering whatever. Our notion was that a portion of that reclaimed land should have been built upon so as to screen the present unsightly condition of the Embankment, and that buildings of some architectural pretension should have been put upon the Embankment, in order to make it what it ought to be, and somewhat to correspond with what I may hope the House will deem to be a creditable retaining wall, built by the Board. However, a different view prevailed in the Committee, and it was determined that the whole of the ground in question should be given up to the public.

56. That was a Committee of the House?—That was a Committee of the House.

57. That was what is called a Hybrid Committee, was not it; half the Members were nominated by the Committee of Selection?—Yes; half the Members were nominated by the Committee of Selection.

58. And counsel were heard before that Committee?—Counsel were heard; but that opinion prevailed, and we had simply, therefore, the duty to carry out the Embankment and to lay out the ground so reclaimed, and to plant in such a way as to make it as ornamental as we could, leaving the condition of the wharves just as we found it. Then, with regard to the Commission, I am bound to say, in consequence of what has occurred in the House, that, so far as the Commission was concerned, we started with the impression that it was the strong desire of the Government that there should be some communication from Somerset House to the Embankment.

59. When you speak of what has occurred in the House, do you mean recently?—Yes; in recent discussions we believed it to be the desire of the Government that there should be a communication from Somerset House to the Embankment, thus giving a direct communication from Somerset House to the Houses of Parliament; but all we had to do as Commissioners was to indicate by a line where a road might be formed, and I certainly was under the impression, and I believe my colleagues on that Commission were under the impression likewise,

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wise, that some portion of the land would be utilised for building purposes, and that a road might be carried in front of the houses without being at all unsightly, or without raising the difficulties which have now occurred. However, the Committee taking the strong view that all the reclaimed ground should be given up to the public, left that roadway in all its naked deformity. We therefore had no means of screening that necessary rise to overcome the difference of level of some 26 feet, except by planting it out as we might best be able; I state that in justice to the Commission of which I was a member. Had we known at the time that this road must be made at an inclination of one in 50 to overcome this difference of level of 26 feet, we should have suggested some mode of covering it and shielding it by a block of buildings or otherwise; but we did not know it until Parliament had clothed the Board with the necessary powers and the bill had become an Act, and we only suggested that as the best mode of getting access from Somerset House to the Embankment, supposing such access to be desirable.

60. Then I understand that the Commission, of which you were a member, which consisted of yourself, Alderman Cubitt, Sir Joshua Jebb, Captain Galton, Mr. Burstal, Mr. H. A. Hunt, and Mr. M'Clean, recommended certain approaches to the Embankment?—Yes.

61. Amongst others, did they recommend this roadway which is at present under discussion, or a line of roadway in that direction?—Yes, from Wellington-street to the Embankment.

62. From Wellington-street to the Embankment below Hungerford Bridge?—Yes.

63. But I gather from your evidence, that had you and the other Commissioners known at that time that the Committee would subsequently limit the powers of the Metropolitan Board of Works as to the uses to which the ground so reclaimed was to be put, they might have made a different recommendation as to that line of road, or the way in which that road was to be constructed?—Clearly, that is my impression.

64. But *quâ* the Metropolitan Board of Works with regard to this roadway, the Metropolitan Board of Works, as I gather from what I have heard and read, and from your evidence, have had nothing to do with the laying out of this line of road; they are a mere executive to carry out the reports of Committees and Commissioners, and Acts of Parliament?—Clearly, we are following the direction of the Act of Parliament, the line being drawn from Wellington-street to the Embankment; of course the formation of the road would be a matter under our control, but the difficulty of mastering the 33 feet rise from the one point to the other still remains.

65. That is to say, a certain line of roadway has been given to you to form upon reports of Committees and Commissioners, and you exercise your own discretion as to the most efficient, the cheapest, and in every respect the best way of constructing that road; in that respect you have a discretion?—In that respect we have a discretion; but of course we are tied up to the two points where the road should commence and where it should end.

66. At the present moment you have no discretion as to the formation of a road in that direction; that is ordered by the Act of Parliament?—Yes.

67. You have the same discretion, as regards the construction of the road, that I presume you had as regards the construction of the Embankment; but I should like to ask you as regards any commission or committees, or any Government office or officer, whether any discretion was left you, or whether you were at all hampered as to the form that the Embankment was to take, the nature of the wall, its architectural features, and its construction?—None, whatever; we were simply bound by a line. The Commissioners recommended a certain line, which is generally known as "Mr. Walker's line."

68. That line you followed?—That line we followed; but the form and the material to be used in the Embankment wall was a matter entirely within our discretion.

69. You have made it of granite?—We have made it of granite.

70. You might have made it of concrete?—We might have made it of concrete or of brick.

71. You might have made a wall of any design that you chose, ornamental or otherwise?—Clearly.

72. In fact, if it is a success as to its material, as to its design, and as to its construction; and if it is to be an ornament to the metropolis, as far as the ornamental part of it and its construction goes, that results from the action of the Board of Works, and not from the action of any Committee of this House, or of any public officer connected with the Government?—Clearly.

73. All that you were restricted to as regarded the Government and Parliament was, that you should not sell the reclaimed land, let it, or erect any building, ornamental or otherwise, between the road and the land, which previously existed unreclaimed?—No buildings could be erected there at all.

74. Upon the reclaimed area?—No, it must be laid out, and dedicated to the public as an open space.

75. That was the only restriction upon you as regarded the Government or Parliament?—I would say with regard to the estimates in connection with the provisions of the Bill, we are not responsible for those, because they were framed by engineers appointed by the Office of Works. I speak of the estimates for the Thames Embankment and the new street; we are not responsible for those estimates.

76. You are not responsible for the estimates for the Embankment?—No; of course in passing the Bill through the Committee, evidence had to be given as to the probable cost. That evidence was so given, but we were not responsible for the figures used.

77. That is to say, the Committee and the Government ordered this work to be done upon certain estimates; you had to get the work done as cheaply as you could; and whether those estimates turned out to be correct or not, depended upon the contracts taken?—They were not our estimates.

78. Whose estimates were they?—I believe Mr. Pownall was one of the surveyors and engineers who advised the Office of Works.

79. Have the estimates turned out correctly?—No.

80. Has the cost been less than the estimate?—No.

81. You say the estimates were framed by Mr. Pownall?—I believe Mr. Pownall was one of the surveyors employed.

82. I am told by one of the Members of the Committee

Committee that Mr. Pownall was merely a surveyor employed to estimate the cost as regards the value of the property?—I have no doubt that some engineer advised the Board of Works as to the cost of the Embankment.

83. You do not know who?—No; some engineer.

84. You say that the cost was not less than the estimate; I presume it was greater?—Yes.

85. Can you state to the Committee what the difference was between the estimate as given in by, whoever it was, on the part of the Government and their engineer, and the actual cost of execution of the work?—I have not the figures of the actual cost; I remember that the estimate was 1,000,000 *l.* for the Embankment, and 1,000,000 *l.* for the new street; both these estimates will be greatly exceeded, undoubtedly.

86. How much have you spent already?—I am not able to speak as to the exact figure, but I will fill it in when I correct my evidence.

87. Can you speak roughly. Have you spent two millions and a-half already?—I would rather supply the figures afterwards.

88. From what you see, from your own knowledge of the way in which the works are progressing, do you think that that estimate will be exceeded by one-third?—I would rather not express an opinion at this moment.

89. But you will put in figures to illustrate that point?—Yes; the cost has greatly exceeded the estimate; for one reason, because there was a special provision in the Act that the Board should not have the power to take the freehold of any of the properties affected, but they were simply under the liability to compensate the parties for the deprivation of their water right. That has worked very unsatisfactorily, as far as the Thames Embankment is concerned, because we have had cases which have been referred to juries and to arbitrators, in which we have been cast in compensation for the mere deprivation of water right more than the value of the fee, and now the parties, though we have so largely compensated them, are enjoying the advantage of those freeholds; not, it is true, as wharves contiguous to the river, but as buildings connected with a splendid roadway of 100 feet in width, and probably they will be of more value now than they were originally as wharves. That was one item of increased expenditure. There was another item, namely, the value of the Crown interest on the foreshore. We assumed, naturally, that that value was a nominal value, and that, beyond a mere award of a few pounds, we should have the consent of the Crown formally given to the utilisation of the land so reclaimed from the bed and soil of the river; but, instead of that, our impression was dislodged by an award of 27,000 *l.* For what we were under the impression was a nominal right of the Crown, we had to pay 27,000 *l.* to the Crown, part of which I believe went to the Thames Conservancy Board.

90. Was that for foreshore alone?—Yes.

91. What portion of the foreshore was that?—On the Northern Embankment. The same question arose as to the Southern Embankment, where there were claims put in first by the Archbishop of Canterbury, secondly by the Thames Conservancy Board, and thirdly by the Crown.

92. What have you had to pay there?—The payment must be on the same principle as that on the northern side. What amount each of the claimaints will have is a question they must settle among themselves.

93. I will ask you, afterwards, some questions about the private rights, but I should like now to have clearly, if you can give them to us, the original estimates for this Embankment under three headings: Roadways; buildings that have to be purchased, or rights compensated for; and the expenses of the construction of the Embankment itself, both the estimated and the actual cost; you will be able to put that in?—I will put it in.

94. I should like to have the actual cost up to the present time, and the sum that will be required to complete the Embankment; because I believe there are sundry ornamental works still to be added, such as lamps, groups of statuary, and so forth, are there not?—Yes; we shall have no difficulty in estimating the sum still required.

95. By "roadways," I mean the different approaches to the Embankment?—Yes.

96. These ornamental additions, bronze or iron lamps, and groups of statuary, are entirely the result of the action of the Metropolitan Board of Works, are they not?—Clearly.

97. If they are ornamental, the Board will have the credit of it; if they are not, the Board will have the discredit of it; no independent officer has seen, or is responsible for them?—Clearly not.

98. I mean by "public officer," Government officer?—Yes; nor do I see under what law or by what right they should see them.

99. And at the present moment no officer and no other public body has any control over what you may put up on the site?—Clearly not; nor do I see by what right they should.

100. Does the Metropolitan Board of Works possess the power to purchase property adjacent to the Embankment, with a view to the arrangement of the frontage?—No.

101. Whence does the Embankment fund come; is it raised by a rate upon the metropolis, or is it derived from the coal and wine dues, or from both?—From the coal and wine dues.

102. There is no rate upon the metropolis for the purpose at all?—No.

103. Is there any contribution at all from the public Exchequer for the construction of this work?—Not a shilling. Although it is in the form of coal and wine dues, it is, in point of fact, a tax upon the inhabitants of the metropolis.

104. Coal and wine dues are, in fact, as much a tax upon the inhabitants of the metropolis as the octroi in France, on all provisions coming into the City of Paris, for instance, is a municipal tax upon the people living there?—Clearly it is upon the same principle.

105. Does all wine that comes into the metropolis pay dues, or does wine that is in transit remain in bond and escape dues; are these wine dues only paid upon wine consumed in the metropolis?—I think it is upon all wine imported into the metropolis.

106. All wine imported into the metropolis, whether it is subsequently exported or not, pays dues?—I think so. The fund derived from that source is a very small portion of the whole; it is only about 10,000 *l.*

107. The main portion of the tax, I suppose, results from the coal dues?—Yes.

108. Do you know what proportion is derived from the coal, and what from the wine dues?—I think the wine dues are not more than 10,000 *l.*,

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109. What is the total annual result of these coal and wine dues?—Between 300,000 *l.* and 400,000 *l.* a year.

110. And the wine dues are not more than 10,000 *l.* out of that amount?—I believe so.

111. I suppose the coal is not brought here for export; the coal brought here is nearly all consumed?—There is a drawback for export.

112. With regard to this roadway, as laid down by the Commission in the first instance, you proposed a deviation yourselves, did you not originally?—Yes.

113. Will you describe by these maps which way the roadway was to run, as originally laid down by the Commission of which you were a member?—From Wellington-street.

114. From what part of Wellington-street?—By the dark dotted line (*pointing to the map on the wall*).

115. That is higher than the red one?—Yes; the centre line was the one recommended by the Commission.

116. I see that the dotted line differs from the red line throughout, more or less?—Yes.

117. And that was the line recommended by the Commission?—Yes.

118. It ran nearer to the Strand than the present red line, which is the line you are to execute by the Act of Parliament, and it had a different lateral communication from your present red line; its lateral communication was at Buckingham-street, whereas your present red line has a lateral communication at Villiers-street?—I do not think there is much difference in that respect.

119. There is no communication on your present plan laterally with the Strand by Buckingham-street, the red line has only a communication at Villiers-street?—I think you must not reason from the dotted line on that map; it is simply put there for the purpose of indicating the line of that street; I think the communications would be nearly as ample by our present arrangement as by that.

120. Looking over the Act of last Session, under which you are supposed to work, I see that that Act recites the communications which were proposed to be established, and it repeals those and substitutes others; is not that so?—No; I think we are now within the line of deviation fixed by the original Act.

121. Yes, but I refer to the lateral communication; we will take it then roughly that the original roadway, as laid down, was the dotted line?—Yes.

122. That you did not execute or attempt to execute?—No.

123. Why was that line abandoned?—When we, empowered by the Act, came to consider the best mode of carrying out the recommendation of the Commission this consideration occurred to us.

124. You mean the original Act, not the Act of last Session?—Yes; it occurred to us that it would be more convenient for the general traffic if that street were to open out at the corner of the Strand than if it were to open out in Wellington-street, partly in that recessed portion of Wellington-street, and partly through these projecting buildings. But that plan, as well as the plan proposed by the Commission, you will observe, passes through the burial-ground of the Savoy Chapel. Strong objections were urged by the representatives of the Savoy Chapel that we should keep the roadway as far as possible from the chapel, and do as little damage to the grave-yard through which we had to pass as possible.

125. May I ask if the map on my left over the fireplace indicates the line which you proposed, touching the corner of the Savoy and passing through the grave-yard?—Yes.

126. Would that have required a return to Parliament for powers, or was it within your lines of deviation?—It was within the lines of deviation. A deputation waited upon the Metropolitan Board, headed by Mr. White, a clergyman, pressing upon the attention of the Board the desirability of moving that line from the corner of the Strand down to the point which is indicated upon that larger map.

127. That is the red line?—Yes; they urged, first, that it would avoid all interference with the graveyard of the Savoy Chapel; and, secondly, that it would avoid any inconvenience of and unsightliness to the chapel itself. Representations were made to us, that the avoidance of the chapel, and the avoidance of the graveyard, would be a very desirable matter, and we therefore, having regard to that fact, and also to a communication from the Home Office, in which certain reasons were urged, among others the fact that Her Majesty herself had a very strong interest in this Savoy Chapel, considered that it was desirable on that and many other grounds to avoid it.

128. The Savoy Chapel was burnt down recently, was not it?—It was.

129. And rebuilt solely at the cost of Her Majesty?—It was so. We therefore turned our attention to forming a street from Wellington-street, as indicated upon that large plan, and thus avoiding any interference with the Savoy, and forming a direct communication, according to our obligation in the Act of Parliament, to give a communication from Somerset House to the Embankment proper. That roadway so formed would be, in the first part of it, near Hungerford Bridge, at an inclination of 1 in 57, and in the upper part it would be 1 in 40.

130. A portion of that would be on embankment and a portion on arches, would it not?—A portion would be upon embankment, and where it rises to an inconvenient height, it is proposed to be put on arches.

131. What proportion of the whole length, from Wellington-street to Hungerford Bridge, would be on arches?—About one-third.

132. The upper third?—Yes; I should say so, speaking from recollection, because it has to rise 33 feet.

133. I see that, in your own intermediate plan, which you say was stopped in consequence of objections raised by the Home Office, with reference to the Savoy burial-ground, you had a road taking a crescent form, enclosing, between the roadway on the Embankment and this roadway under discussion, a spot coloured green: I have heard that you proposed some crescent buildings somewhere; was it part of that scheme?—It was part of that scheme. It was proposed to have a crescent, in order to improve the appearance of the roadway and effect the requisite change of inclination without making it too obtrusive; and this (*pointing to an elevation*) gives some idea of the form of the crescent. A design of that kind was considered at the time, without, however, our having formally agreed upon the elevation. That was drawn by our architect, Mr. Vulliamy, and it will give the Committee an idea

idea of the views of the Board at the time, and how they proposed to screen this objectionable approach to Wellington-street.

134. The object of this row of buildings, this crescent, was, you say, to screen the roadway, with reference to which you used the word "objectionable"?—It was to lessen the inconvenience, of course, and the unsightliness of that roadway, and also to screen the buildings at the rear.

135. Then, although you had complete plenary powers to construct that roadway in the way that would make it most ornamental, you still considered that it would be necessary to screen it, and that it would be unsightly and objectionable; besides which, you also considered it necessary to have some screen as regards the buildings in the rear, which at present are unsightly, and were, I suppose, built so, because the public has no control over them?—It is so.

136. That scheme of yours, which included these buildings, fell through, in consequence of the objections with regard to the Savoy Chapel, and your line coming out at that corner of the Strand; but was the portion of it in which you proposed a crescent and a screen objected to?—There was a very strong objection raised to this crescent road, and it was ultimately referred to a Committee. In consequence of some political crisis at the time I believe the action of the Committee was stayed and no further progress was made. There was a very strong opposition to this crescent road, partly, of course, from the owners of property at the rear, who alleged that their prospects would be interfered with by the covering of their properties, and indeed it was our object to cover them. They very naturally objected to having a block of buildings put in front of their houses.

137. Was there any objection on the part of the Government?—I am not quite sure.

138. What form did the objection take?—There was an objection raised in the House.

139. Was there a petition against the Bill?—There were several petitions against the Bill.

140. You required a Bill then, and you went to Parliament for a Bill to enable you to make this crescent road, with crescent buildings?—Yes, we required to be released from the restrictions of the previous Act.

141. When this Bill was brought before the Committee were objections raised by the proprietors of the houses that would be so screened?—The Bill was before a Committee, but I believe the Committee never reported upon it. I do not exactly know what the course of things was. There were some financial Bills before Parliament at the time, and this Bill was obliged to be withdrawn; but I question very much whether it would have been carried even without that. There was a very strong objection to it. We did our best to overcome the difficulty cast upon us by Parliament.

142. That plan of yours having failed, you were thrown back upon something like the original line, as laid down by the Royal Commission, and you came before Parliament last Session, did you not for a Bill to execute that work?—Yes.

143. With regard to the opposition that was raised, I should like to ask you one more question; who was the chief opponent before the Committee, or whom did you find in any way the chief opponent to your plan of a crescent?—I am not quite sure. Do you mean in the House, or before the Committee by petition?

144. Both; in every way?—I think Mr. Beresford Hope took a very strong view, if I remember rightly, against this crescent.

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145. Mr. Beresford Hope took an artistic view of it, and objected to it artistically?—I think it was a substantial view that he took.

146. Was there any other opponent; did any other proprietor oppose it?—I think there were several petitions against the Bill.

147. The three main proprietors are the Duke of Northumberland, the Marquis of Salisbury, and Mr. Drummond, who owns the Adelphi-terrace, I think; and the Duke of Norfolk.

148. Did they all oppose this Bill, do you know?—I believe petitions were presented against the Bill by all the owners.

149. So this Bill was abandoned, partly through the opposition, you say of those private owners, who considered that it would interfere with the value of their property, and partly through an accident that happened to some financial Bills that were passing through Parliament; Parliament being up, I think you said: was it the prorogation, or the dissolution, or anything of that kind?—I suppose it was too late to get the financial Bills through, and apart from the financial Bills this power became of no use to us.

150. Who took charge of this Bill of yours?—Mr. Tite.

151. The Government had no charge of it?—No; the financial Bills were in the hands of the Government.

152. What was the date of this intermediate scheme?—1867, I think.

153. I think if you look upon that map, it says 1866?—I think it was both 1866 and 1867; we were in Parliament in both years.

154. Your intermediate plan having failed, you fell back upon a plan more nearly resembling the plan laid down by the original commission, and for that you got an Act last Session, did you not?—Yes, after receiving the representations from the Home Office as to the objections entertained by Her Majesty to that line, we abandoned it.

155. The combined objections led to your abandoning that plan, and falling back upon the plan laid down by the commission originally?—Yes.

156. Can you state to us your exact position with regard to this roadway at present; an Act of Parliament was got enabling you to make it; why was that Act necessary if your powers of deviation by the original Act enabled you to deviate so far as that?—An Act of Parliament was necessary, first for the additional funds, and secondly to extend the period for the compulsory taking of the property.

157. And to a certain extent to alter the approaches?—No, I think the original lines of deviation were maintained in the subsequent Act.

158. The original lines of deviation would have enabled you to take that line without going to Parliament?—Yes.

159. Will you kindly state your exact position as regards this roadway at the present moment, and the steps that have been taken with reference to it?—The general design for the road is that which appears upon that plan (*pointing to the plan upon the north wall*); you will see that it commences nearly at the Hungerford Bridge, rising 1 in 57.

160. Those dotted parallel lines that we see there represent the Hungerford station, do they not?—

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not?—Yes, the first portion of the road rises by a gradient of 1 in 57.

161. Is that from the Embankment?—It will commence, I think, very nearly opposite Villiers-street. It is level at Villiers-street.

162. I see between the blue of the river, and the yellow of your road something not coloured; that is a landing pier, is not it?—Yes.

163. So that it would strike off opposite the landing pier?—Yes, you may take it as being level at Villiers-street; then it begins rising 1 in 57, probably for two-thirds of the line, and then the gradient is 1 in 40 up to Wellington-street.

164. In the direction of Whitehall-place, is it on the level, too, or on a rise; it is a gradual rise, I suppose?—That is nearly on the level. I have completed my answer with respect to the steps taken as to this roadway. The Board in pursuance of its duty under the Act, had the road laid out by the engineer, and served notices on all the parties whose property would be taken or affected, except two, and they have received four claims. Notices have been served upon all but two, and we have received out of the list of those who have been served four claims. The Commissioners of Her Majesty's Works and Public Buildings have property there, and they have not been served, nor has the Duchy of Lancaster been served. Those are the only two owners of property who have not received legal notices of the intention of the Board to take their properties.

165. How many notices have you issued?—I should think about 11.

166. And four have sent in claims?—Yes.

167. Mr. *Layard.*] When you speak of the Commissioner of Works, do you not mean the Commissioner of Woods and Forests?—I have it here, "The Commissioners of Her Majesty's Works and Public Buildings."

168. *Chairman.*] You mean those who manage the property of the Crown?—Yes.

169. That is the Commissioner of Woods and Forests?—Yes.

170. And the Duchy of Lancaster have not been served?—No; the four claims made in answer to the notice served by the Board are, first, the Thames Plate Glass Company, 5,500 *l.*; H. and E. Willoughby, 8,000 *l.*; F. J. Clark, 14,999 *l.*

171. Mr. *Tite.*] That is the auctioneer?—The auctioneer and surveyor. There is also a claim from Mr. David Mocatta, 4,375 *l.*

172. *Chairman.*] Making a total of how much?—£. 32,874. Then there are some claims not sent in, of which we have received notice. I may state with regard to claims, under the Lands Clauses Act, that when once a notice is sent in, stating that you require a property, it then becomes a matter of contract between the parties; and the owners of property served with the notice can compel you to proceed to take the property, so that you have no escape, when once you have served a notice, from the claim of the owner of the property.

173. Who settles the question in case you dispute the claim; is it settled by arbitration?—By arbitration or by a jury.

174. It does not follow that because a person claims 16,000 *l.*, he must get it?—I should think Mr. Clark, who seems to take an active part in this matter in opposing us, would be very glad to be released from his claim, which is very high, more than 14,000 *l.*, he would probably prefer remaining, but that is a matter we have not the power of determining; he can go to a jury if he likes.

175. Where is Mr. Clark's property; is it in Wellington-street?—Yes, in Wellington-street. We generally find that those who are the strongest against an improvement when a claim is sent in, if any arrangement is proposed by which their property may be avoided, are the most disappointed people in the metropolis; whether that may be the case here or not we cannot say.

176. Mr. *Layard.*] What is the total amount of the claims sent in?—£. 32,874.

177. *Chairman.*] Might other claims be sent in; there is no limit of time, is there?—No, there is no limit; in an ordinary way we should write and ask them to send them in, but at present we have rather nursed the matter, having regard to the action of this Committee.

178. The present position of affairs, then, is this: that under the Act of Parliament you have a certain work to execute, and you have served certain notices for that purpose, and the result is, that the Board is liable to the persons so served for sums of money, making a total of 32,874 *l.*?—£. 32,874 for claims sent in, and there are seven claims which have not been sent in, and there are two proprietors to whom we have not sent notices. Immediately when I ascertained the intention of your Lordship to move for a Committee we stayed any proceeding for giving notices; but, unhappily, the other notices were already served.

179. Am I to understand that the Board has incurred no other liabilities than those you have referred to; that is to say, you have entered into no contract for the construction of the road?—No, except that we have arranged with the contractors of the Metropolitan District Railway to deposit their spoil in the course of this road, in order, first, to save themselves the expense of cartage; and, secondly, to save us the cost of carting in material to raise the road up to a sufficient height.

180. Is that in the form of a contract; would there be any pecuniary liabilities attaching to the Board in consequence of that?—Just at the time when your Lordship gave notice of this Committee I directed the solicitor not to take any further steps to complete that contract, although it had been arranged and the draft exchanged; the contract itself is not entered into, and therefore we are not under any pecuniary liability.

181. Was the road begun?—Some small portion, I believe, was done, but nothing of any moment.

182. Was it done by your board, or was it merely that under this agreement which was not signed, and is not legally binding, the Metropolitan District Railway Company had done something?—They had deposited some material.

183. What has been done, has been done by the Metropolitan District Railway Company?—Yes.

184. Are the works of that railway stopped, or are they still going on?—They are stopped as far as this part is concerned; they are going on in other parts of the Embankment.

185. The earth they are bringing out is not deposited there any more?—No.

186. Are you working in harmony with the Metropolitan

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Metropolitan District Railway Company?—I can scarcely say that we are. Unhappily we have been frightfully delayed in our works. The Thames Embankment itself would have been open 12 months ago, but for a difficulty which the Metropolitan District Railway Company felt themselves under. I believe it does not arise from any indisposition on the part of the railway authorities, but really the difficulty has arisen from the condition of the money market, and the difficulty of raising funds. They have now a Bill before Parliament, it is a financial Bill, to authorise them to raise the necessary stock to carry out their undertaking; and so far we are entirely in accordance with the railway company, and we are doing all we can to help them to get their Bill through, but we have had serious differences with the railway company, and have meditated an application to one of the courts to compel them to carry out their works; but it is something like coining shillings without silver. If they have no money, no court can compel them to do what is impossible without money.

187. The Metropolitan District Railway Company obtained their Bill after the passing of the Thames Embankment Bill, did they not?—Yes, and at the time that their Bill was before Parliament we pointed out through our counsel, Mr. Phinn, the difficulties that would be likely to arise, in fact, just the condition of things that has arisen, and asked for certain powers to control the railway company, and to force them on with their works. But the Committee of the House was so anxious that the company should proceed with their works uncontrolled, that they would consent to nothing of the kind; they simply fixed them to the statutory period for finishing their works; that is, five years. There was, therefore, no control over them. We cannot touch them till the five years have expired.

188. You say that you pointed out through your counsel, Mr. Phinn, the difficulties that would be likely to arise; what difficulties?—The difficulty of the railway works not proceeding at the same time as our works, and the probability that the Board might have finished the Embankment when the railway company had not even commenced its works, and thus the public might be deprived for a considerable time of the benefit of this Embankment, for which they have paid so large a sum.

189. The difficulties you then anticipated have arisen?—Yes.

190. The Board had no power to compel the railway company to commence its works, or to prevent their interfering with your own works?—None whatever. The special clause inserted in the Act is something to this effect: that the Embankment and road, especially having regard to the Blackfriars Bridge end of the Embankment, should be so constructed as might best suit the formation of the railway, as might best suit the Embankment, and as might best suit the gas company's works and dock.

191. In what Bill was that?—That was in the Metropolitan District Railway Act. The consequence of it, as might naturally be supposed, has been that the construction of the Embankment has suited nobody. First, it has not suited the railway people, because they have no funds to go on with their works. Secondly, it did not suit the gas company, because they were anxious (without charging them with any improper act) to have as broad a *locus standi* as possible for compensation, and, therefore, they naturally objected, and we were left in this condition; we could please nobody, and our hands were tied with regard to passing in front of these gas works, where special arrangements had been made to give the gas company an inner dock.

192. What was the date of this Bill for the railway?—1864.

193. And the date of your Thames Embankment Act was 1862, was not it?—1862.

194. This question did arise before the Committee as between your Board and the railway company; did the Board of Works or any Government officer take any part in the matter?—No, I think not.

195. Therefore, as regarded any public, by which I mean Government officer, you were left to settle this matter as best you could in the interests of the public with the railway company, before a Committee of the House of Commons?—Yes; we were just in the position of Liverpool or Edinburgh, or any other town applying here; they simply make their application, and defend their rights.

196. Is this difficulty which has arisen between you and this other body, who have equal powers with yourselves, confined to the part of the Embankment between Hungerford Bridge and Wellington-street, or does it extend to other parts?—It extends from Westminster Bridge to Blackfriars, and from Blackfriars up to Cannon-street along our new street.

197. Is it the case that between Blackfriars Bridge and the Temple there has been great difficulty between the railway company and the Metropolitan Board of Works, as to the form of construction of the Embankment and the railway?—Very great difficulty.

198. I believe the Embankment, in order to save the ratepayers cost, in respect of making compensation for the loss of water frontage, was to be constructed between the Temple and Blackfriars Bridge on arches, or a portion of it, at any rate?—Yes.

199. The Metropolitan District Railway Company obtained a Bill to go along the same line, and their Bill empowered their railway to go on Embankment, did it not?—Yes.

200. And, therefore, you had to try to come to some arrangement with this other body, which had as great powers as yourselves, and you had great difficulty in coming to such an arrangement?—We had very great difficulty.

201. Have you come to such an arrangement now?—We have with the railway company, but the gas company still stand upon their rights.

202. The whole of it is to be constructed upon embankment now, is it not?—The arrangement is to construct a solid embankment, with a roadway 100 feet wide, on the Embankment. The original plan of constructing it on arches, with an inner dock, limited the roadway to a width of 70 feet at that point. We were very anxious to give a uniform width to the roadway, and therefore we were very anxious to have it on solid embankment instead of open, as was originally contemplated, for the sake of the inner dock, which we proposed that the gas company should have, for the purpose of lessening the compensation to them. The railway company had power to construct their line right through this inner dock, thus diminishing the area of waterway, and making it almost impossible for the people to get in their barges and turn them,

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as they would have been able to do if the inner dock, as originally proposed by us, had been left untouched. Hence arose the desirability, if possible, of getting over the difficulty by putting a solid embankment at that spot, and having some mechanical arrangement for lifting the coal over, instead of the coal barges passing into the inner dock through the arches, and the coal being there lifted on to the wharf.

203. Has this state of things, as between the railway company and the Metropolitan Board of Works, required the Board of Works to pay more for compensation?—No doubt, it will cost us a considerably larger sum to carry it out all on solid embankment than it would to have carried out our original plan.

204. What difference do you suppose it will make?—I am not able to state at this moment.

205. Does the railway company pay any of that?—The railway company will pay a portion of it under the agreement.

206. Is that by an agreement come to under the Act of Parliament, or by a private agreement come to since?—An agreement between ourselves.

207. How long has that delayed the opening of the Embankment?—I should think that the whole of our Embankment would have been opened more than a twelvemonth back but for this.

208. And how long will it be before the part we have just referred to is opened?—I should think a twelvemonth.

209. That is to say, there will have been a delay of two years in opening it?—That entirely depends upon the action of the railway company; if they proceed with rapidity it might be opened in twelve months.

210. At present what is the probability as to the time when that part will be opened?—It would be much longer than twelve months at their present rate of progress; but we hope that, if they obtain the financial powers for which they are applying to Parliament, and raise the necessary funds, they will put a much larger force upon that part of the work, and get it done very much quicker.

211. When do the railway company's powers expire?—In July, I believe.

212. July this year?—Yes.

213. Are they now coming to Parliament for a renewal of those powers?—Yes.

214–15. Do you know for what time?—They obtained last Session an extension of their powers until 1st August 1870, and they are bound to open the railway on the Embankment 1st January 1870.

216. So that if they were to obtain powers for an extension of time for another three or four years, they might delay, if they had not funds, the opening of your Embankment for that time?—Clearly; but we are agreeing to withdraw our Petition against this Financial Bill upon the understanding that clauses shall be inserted providing that immediately they have obtained the power to issue the special stock they want, they shall issue that special stock, and that they shall devote the first funds they obtain to the finishing of this particular work. That is the only remedy we have.

217. As guardians of the interests of the public with reference to this roadway, do you not consider yourselves morally bound to come before Parliament when this railway company applies for these powers, to point out the state of things existing, and to insist on Parliament, as far as you can, forcing the railway company to complete their works within a given time; in fact, as short a period as possible?—We have so determined, and we have petitioned the House.

218. You have petitioned?—Clearly; and our intention has been to appear by counsel, for the purpose of representing the delay that has occurred, and what, if the period be extended, would be the further delay that might occur.

219. The Bill has not yet gone to a Committee, has it?—It has not. I am not sure whether it is in Committee to-day or not.

220. As to the other part, which more immediately affects the roadway now under discussion, the same difficulty has arisen there between you and the Metropolitan District Railway Company, has it not?—Yes; from Blackfriars Bridge up to Cannon-street.

221. I mean on this side; between Waterloo Bridge and Hungerford Bridge?—Yes; the same evil exists all along the Embankment.

222. If there had been no district railway to interfere with you, would the roadway there have been opened by this time?—The whole of it would have been opened twelve months ago.

223. There is the same probability of delay there, resulting from the same cause, as between Blackfriars Bridge and the Temple?—Yes, precisely.

224. Is it the case that they dig up your roadway after you have made it?—They will touch the road in certain portions; other parts of the line will be constructed in the rear, and will not interfere with the roadway; but they will so affect the roadway as to prevent its being used as a carriage road.

225. You say that they touch a portion of the roadway; so that actually the roadway which has been completed by you is dug up and temporarily destroyed by them. Of course they are bound to make it good again?—Yes; we have not formed the road completely yet.

226. But the substratum of the road?—Yes.

227. I suppose they likewise interfere with the other part of the land?—Yes, they interfere with the surface first by their stations, and secondly, by a series of ventilating shafts along the line.

228. How many stations have they?—Two, I believe.

229. Was the earth, which this railway company are now carrying away, brought by you to fill up the foreshore?—Yes; a large portion of it. I do not think they are carrying it away; they are depositing it now at different points of the Embankment, as directed by us.

230. What use will you make of it?—Instead of having the ground all laid out upon the level, we shall raise it at different points, and plant it, so as to give it a more ornamental appearance.

231. You propose to make it undulating by means of this earth which is taken out by the railway company?—Yes.

232. You say that they have two stations; is that exclusive of the station at Westminster Bridge?—Yes.

233. Is one of those two stations near to Hungerford Bridge?—One is near to Hungerford Bridge, and the other nearer the Temple.

234. At the corner of Essex-street?—At the bottom of Arundel-street.

235. And the other is at the bottom of which street?—Near Villiers-street.

236. I see a grey line on the map, which goes from the railway bridge further to the east than the Charing Cross Station; what is that?—That is what is called the Hampstead Junction line.

237. Is that authorised?—I think that is suspended, and I think their powers to take land have expired; I think it is a dropped line.

238. Are you aware of any other railway that is applying to Parliament this Session for powers over the Embankment?—No, none.

239. Then, practically the result of all this is, that, as regards the public, this work, which you have constructed with a view to relieving the traffic, and for general convenience of the metropolis, I mean the roadway, has been delayed, certainly, two years, and possibly it may be delayed a longer time than that, in consequence of a Committee of the House of Commons having given powers to a railway company, over which you have no control whatever?—I do not know that it is the fault of a Committee of the House of Commons; it results from the inability of the railway company to raise the necessary funds; the only thing we have felt in the matter is that the Committee should have given us power over the railway company to compel them to go on with their works at the same time as we were going on with ours.

240. Have you any control over the character of the stations built along this line or the ventilating shafts?—To a certain extent the Board have a discretion as to the area of the ventilating shafts, but the railway company have the power under their Act to form stations, and ventilating shafts, and so on.

241. As to the design of these stations, that rests entirely with the railway company?—Yes.

242. They might be utterly inharmonious with your Embankment wall?—Yes, and I think they probably will.

243. From what you have seen you have reason to believe that they will be?—Yes.

244. Now with reference to the road, you have said that you considered it objectionable in appearance; do you consider it to be a road of primary necessity with a view to the traffic of the metropolis; I refer to the road in question; the road and viaduct from Hungerford Bridge to Wellington-street?—No doubt it is desirable to have some communication from the Strand to the Embankment, other than the lateral streets would afford. The difficulty in approaching by those lateral streets is the unsatisfactory gradient.

245. Would you give us the gradients of those streets; I see you propose lateral approaches at Craven-street, Villiers-street, and Adam-street; these are the three lateral approaches from the Strand?—Yes.

246. Beginning with Craven-street, what will the gradient of Craven-street be?—The gradient of the first portion of Craven-street will be 1 in 36 from the Strand.

247. One in 36 is a very easy gradient, is it not?—Yes, that is not an objectionable one.

248. I should like to get some standard to go by; 1 in 30 is the Parliamentary gradient, is it not, for roads crossing railways?—I think it is.

249. Can you tell us the gradient of St. James's-street?—The steepest gradient in St. James's-street is 1 in 24.

250. Do you know the gradient of Cockspur-street, by King Charles' statue?—No.

251. Is there anyone here from your office who can tell us?—It is 1 in 73.

252. Craven-street is 1 in 36?—The first portion of it is; the second portion, about one-third of the street, is 1 in 186, that is, nearly level; and from that point there is a uniform gradient; from the end of Craven-street to the new roadway on the Embankment, the gradient would be 1 in 36.

253. I believe the Parliamentary gradient for occupation roads crossing railways is 1 in 25?—It is very much less than that in many cases, I believe.

254. Mr. *Tite.*] The Parliamentary gradients are 1 in 20, and 1 in 30; for a high road it must be 1 in 30?—This is 1 in 36.

255. *Chairman.*] Do you propose dealing with Craven-street in such a way as to widen the street at all?—No.

256. Or to alter it, and to make its gradient uniform throughout?—No.

257. You propose not to touch it, but only to make it an access to the Embankment roadway?—That is all.

258. Mr. *Cowper.*] Will you state clearly where these different gradients that you have mentioned are; does the 1 in 36 begin on leaving the Embankment on the reclaimed land, or is it on the existing street?—This rough sketch will show it (*handing in a sketch*). The 1 in 36 is from the end of the old street (that is Craven-street) to the roadway on the Embankment.

259. *Chairman.*] And the rest is that easy gradient which you mentioned?—Yes.

260. There are three gradients; we will take them one by one; will you explain where they begin and end?—Starting from the Strand, about two-thirds of Craven-street is 1 in 36; one-third is 1 in 186, or nearly level.

261. And then we come to what?—Then we come to a gradient from the end of the old street to the new roadway on the Embankment of 1 in 36.

262. The same as the commencement of the street?—Yes.

263. Will you explain the gradients of Villiers-street in the same way?—Starting from the Strand, it is 1 in 17.

264. For what portion of its length, the greater part?—Yes, rather more than half; and from that point to the end of the street approaching the Embankment is 1 in 58.

265. My recollection of the street is, that the steep part, that is the 1 in 17, extends nearly from the Strand to where there is a tunnel under the railway?—Yes; it is nearly two-thirds of the length of the street, and the other portion is 1 in 58, and then continuing the gradient from the new street down to the Embankment roadway it is 1 in 105.

266. Then where the street ends, in that case it is much less of a gradient than in Craven-street, that is on the new ground?—Yes.

267. You have another access I see marked there, namely, Adam-street?—Yes.

268. Do you propose to make any change in Villiers-street?—No; no change.

269. You leave it entirely as it is, as to width and gradient?—We simply open the end.

270. Do you propose any access from Buckingham-street?—No.

271. Villiers-street, yes?—Yes.

272. Buckingham-street, no?—No.

273. York-buildings, do you propose any access

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access there, or is Adam-street the next?—Adam-street is the next; we propose to have steps there for foot-passengers.

274. You proposed no access to the roadway between Villiers-street and Adam-street?—No; and at Adam-street it is not to be a carriage-way. The gradient in Adam-street, in the first length from the Strand, for about half the length of the street, is 1 in 56, and the second half is 1 in 387.

275. That would only be a footway?—That is the gradient of the street; then from the street to the roadway would be 1 in 10.

276. That would be a footway with steps?—Yes; we are obliged to descend by means of steps.

277. Am I to gather from what you now state, that as regards these other streets, Buckingham-street, York-buildings, and Robert-street, there would be no access of any sort or kind for either foot-passengers or carriages to the roadway on the Embankment?—No.

278. Foot-passengers will not be able to gain access that way?—No.

279. Is that from the action of the Metropolitan Board simply, or is it in consequence of any understanding you have come to with the proprietors of the streets, or any conditions existing anywhere which for the persons in those streets from any access being made through them?—I think the only condition imposed on us with regard to these streets, is with reference to the property of the Marquis of Salisbury, that his streets should not be opened up, but that iron gates should be put at the end, and that we should only give access for foot-passengers.

280. So that under that arrangement, as far as you are concerned, persons living at the end of Buckingham-street, close to the Embankment, in order to get on to the Embankment would have to go up Buckingham-street to the Strand, to go along the Strand till they came to Villiers-street or Adam-street, and to turn down one of those streets to the Embankment. If they wanted to go by carriage they would have to go further, because Adam-street is only to give access for foot-passengers?—Yes; I have the gradients of all those lateral streets. You will see how far they are suitable for carriage traffic. Take Cecil-street for example; you have in the first part of the street a gradient of 1 in 25. Then you have a drop of 18 feet to the Embankment, and from that point to the roadway you would have a gradient of 1 in 14, which is quite unsuitable for carriage traffic.

281. I see that by the original plan of the Commission and the intermediate plan of the Metropolitan Board of Works, it was proposed to use Buckingham-street, and to give a carriage access apparently to the roadway from the Strand by Buckingham-street; why was that abandoned?—Arrangements were made with what was called the Hampstead Junction Railway, the line indicated by that blue mark upon the plan, to dispose to them of a portion of land over which we have control at the end of Villiers-street, in order to enable them to form their station and a junction with the Metropolitan District Railway. That would render it necessary to have an opening in Buckingham-street, by raising the ground, but that has been abandoned now and an opening is made from Villiers-street.

282. What part of the ground would have been raised for that purpose; the ground in Buckingham-street itself, or the reclaimed ground?—The reclaimed ground would have had to be raised.

283. What gradient would that have given, do you know at all?—The first part of Buckingham-street is 1 in 14; the next portion (nearly one-half), is 1 in 27; and from the end of Buckingham-street to the roadway on the Embankment is 1 in 76.

284. Taking Buckingham-street; the first part of Buckingham-street is marked as being very narrow there; it leads to Duke-street?—Yes.

285. That is the part where the gradient is 1 in 14?—Yes.

286. Then Duke-street is a tolerably broad street, is not it; do you know what the gradient of Duke-street itself is, from where Buckingham-street cuts it to John-street?—I do not. I should think the greater portion of it is nearly level.

287. I think John-street, Adam-street, and Adelphi-terrace, are nearly upon the level?—There is a rise at that point (*pointing to the plan*).

288. There is a steepish descent, is there not, from John-street, to Duke-street and Villiers-street?—Yes.

289. I see that Cecil-street was originally intended by your intermediate plan to have communicated with the Strand; why was that abandoned?—It was intended to have a communication between Cecil-street and the Crescent-road, with a gradient of 1 in 30.

290. Was that only intended for foot-passengers?—For general traffic.

291. Are you sure of that?—I think the gradient would prevent very heavy traffic; it would have been 1 in 30.

292. What part of it is 1 in 14?—From the end of Cecil-street to the roadway on the Embankment.

293. Is that according to your intermediate plan?—From the end of Cecil-street to the main roadway on the Embankment would be 1 in 14.

294. According to the intermediate plan, or the present plan?—According to the present condition of things.

295. And it is too steep for carriages?—There is a drop of 18 feet at the end of Cecil-street to the Embankment; you would have to overcome that in the distance from Cecil-street to the roadway, and that would involve a gradient of 1 in 14.

296. What is the width of this opening which you do not propose to increase, the opening of Craven-street on to the roadway?—I have not the figures here of the width of the street; but it is comparatively a narrow street; I am told it is 30 feet.

297. Do you know what the width of Villiers-street is?—Twenty-eight feet.

298. Is that 28 feet carriage-way?—No, it is carriage-way and footpath; it is between the houses.

299. What is the carriage-way?—I should think, perhaps, 24 feet, or I would rather say 18 feet.

300. That is Craven-street. Now, with regard to Villiers-street?—I have just given Villiers-street; the width is 28 feet in Villiers-street between the houses, and the inclination of the first part of Villiers-street approaching the Strand, is 1 in 17. Of the remaining portion of the street, the inclination is 1 in 58, and from the

the end of the street to the roadway on the Embankment, would be 1 in 105.

301. Lord *John Manners.*] We have all the gradients; what we want is the width of the narrowest part (that is the most convenient way to take it) of all these streets?—The carriage-way of Villiers-street is 15 feet.

302. What is the width of Buckingham-street? —Buckingham-street is very narrow at the top. I believe it is 31 feet between the houses in the lower part. The upper end of Buckingham-street is 16½ feet in width.

303. That is a mere footway at the present moment, is it not?—There is room for one carriage, I believe.

304. *Chairman.*] Now, what is the width of Adam-street?—Twenty feet between the houses; the carriage-way is 13 feet.

305. Salisbury-street?—Salisbury-street is 24 feet between the houses, with a carriage-way of 13 feet.

306. Cecil-street?—Thirty-seven feet in part; but Salisbury-street is contracted at the upper part.

307. Is there any carriage-way into Salisbury-street at all?—Yes.

308. What is its width in the narrowest part? —The narrowest part of Salisbury-street is 14 feet wide; it is a little cut; I suppose there would be just room for one carriage to pass. The top of Cecil-street is 19 feet wide.

309. You have said that you consider it desirable that this line should be made; what is that with a view to; to any special description of traffic, or the general traffic of the metropolis?—I have scarcely stated that it is desirable that this line should be made; I have stated that it is desirable that some means of communication should be obtained from the Strand to the Embankment.

310. I should like, with a view to the public convenience, and the necessity of this line of route, to ask you what traffic you think really will go over it. We will cross over, if you please, to the other side of the Thames. I see there is a circus in the Westminster Bridge-road, called St. George's Circus. From that point lines branch off in every direction; one goes along the Westminster Bridge-road, over Westminster Bridge, and up Bridge-street; would any person, finding himself at that central circus, and wishing to go to Belgravia and that district of London, use the new line of road communicating with Wellington-street?—No, I should think not.

311. If he were going to Covent Garden Market would he use this line of road?—No, I should think not.

312. In the one case he would go over Westminster Bridge, and in the other case he would go over Waterloo Bridge, would he not? —Yes.

313. Waterloo Bridge has a toll; but I suppose the question of tolls may be eliminated altogether from this discussion, for it is hardly to be presumed that for all time there will be tolls on the bridges in the centre of this great metropolis; and therefore questions of great permanent improvement ought not to be bound by tolls which may not be permanent?—No; and I hope will not be permanent.

314. Would this same person, finding himself at St. George's Circus, if he were going to the Temple, go along this line of road?—No.

315. He would in that case go over Waterloo Bridge?—Yes.

316. If he were going to Ludgate-hill, and Smithfield, and the Metropolitan Market, would he go along this line of road?—No.

317. He would go in that case over Blackfriars Bridge, would he not?—Yes.

318. If he were going to the Mansion House and that part of the city, he would not go over the Embankment or along this line of road; he would go over Southwark Bridge, would he not? —Yes; I do not think any of the southern traffic could possibly use this line of road.

319. On the other hand, the northern traffic going to the south from Belgravia, Westminster, Covent Garden, and that district would go over Waterloo Bridge, and that from the Temple also. The traffic coming from the district of Smithfield and Holborn and the neighbourhood, down in the hollow between Ludgate-hill and Fleet-street, would go over Blackfriars Bridge, and all the Mansion House and City traffic would go over Southwark Bridge. None of that traffic would use this line of road?—No; I think the advantage of this roadway would be, that it would tend to facilitate all parties having business to transact at Somerset House getting direct communication with the Houses of Parliament and the Government offices. But when you have regard to the distance by that line, as compared with the Strand route, I think very little saving would arise from using this particular roadway.

320. Practically, it would resolve itself into this. I think you said that the Government urged the construction of this road, and they wished to have an opening from Whitehall-place; so that, practically, the main result of the making of this line of road would be to put Somerset House and the Government offices in Downing-street, the Horse Guards, and Whitehall-place into more direct communication than would be afforded by going round by the Strand and Charing Cross?—Whitehall-place will be opened.

321. Assuming that the Government offices remain always at Somerset House, and where they now are at Whitehall, and so on respectively, it would be of a certain use to the Government officials, who intercommunicate, to have that line of road?—Yes.

322. Another body, to whom it might be of service, might it not, would be the lawyers, assuming that the Law Courts are removed from Westminster and constructed at Carey-street?—Yes.

323. Those of them who are Members of the House of Commons, in going to the House of Commons Committees, or to Westminster, for any other purpose, instead of having to go along Carey-street, which is at the end of Essex-street, on the other side of the Strand, and then coming round by Charing Cross, would be able to come to the corner of Wellington-street, and turn down Wellington-street, and so by this inclined road to the roadway on the Embankment, which is to come out at Westminster Bridge; is not that so?—No doubt.

324. In that way they would avoid going round by Charing Cross?—Yes; but they would have the means of going by Essex-street on to the Embankment roadway.

325. On the other hand, supposing the Law Courts remain at Carey-street, you propose, do you not, eventually making an access by Essex-street to the Embankment?—Yes.

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326. What is the gradient of Essex-street?—The first portion from the Strand, about rather more than one-third, is 1 in 17. The larger portion of the street is 1 in 179.

327. What is the length of the portion that is 1 in 17?—Rather more than one-third.

328. That is to say, of the street itself, irrespective of any new ground?—Yes; and the gradient from the end of Essex-street to the roadway on the Embankment would be 1 in 20.

329. I presume that if Essex-street were to be made a great access from that part of London to the roadway on the Embankment, you would have to buy the houses in Essex-street, widen it and level the roadway; the gradients being now what you have told us, there would then be no difficulty whatever in making one of the best roads in London of it, would there?—By taking down the houses on both sides, no doubt we could make a very good street of it.

330. What is the width of Essex-street now?—Thirty-nine feet.

331. Lord *John Manners.*] Is that in the narrowest part of Essex-street?—No; the top is narrower. It is 24 feet at the top, and 39 feet at the lower part.

332. *Chairman.*] There is no carriage-way now down to the Embankment, clearly, because there never was anything to drive to?—There is a drop of 12 feet 3 inches at the end of the street.

333. That property marked green at the bottom of Essex-street is the property of the Temple, I imagine?—Yes.

334. Do you know at all the gradient from where Essex-street stops to where that line touches the yellow?—The fall is 12 feet 3 inches, and if Essex-street were extended to the roadway the gradient would be 1 in 20 there.

335. I have heard it stated with reference to a plan which had in contemplation the building the Law Courts on the Embankment site instead of at Carey-street, part of which plan embraced a broad road for carriages on the site of Essex-street; that there would be no difficulty whatever in constructing a communication between the Embankment roadway and the street, at a gradient of 1 in 30; do you believe that there would be any difficulty in that?—You mean with the reconstruction of Essex-street?

336. Yes?—It would involve the taking of the houses on both sides of Essex-street.

337. This plan assumed the taking of that property for the Law Courts, but I have heard it given in evidence that 1 in 30 was the gradient of that part of the road. I understand that you see no reason to doubt that that would be possible; it is a new question of expense in buying the houses and making the roadway, but there is no constructional difficulty?—I should think, so far as the gradient goes, a reasonable gradient might be obtained by an entire reconstruction of the street.

338. You will be able, perhaps, at the next meeting, or at some future time, to put in the gradients of those streets which I asked you for, namely, St. James's-street, and Charing Cross, because I have had a note put into my hand which says that the gradient of St. James's-street is 1 in 22. I do not say whether it is right or not?—The gradient of Charing Cross-road, from Spring-gardens to Whitehall-place, is 1 in 73, that is towards the statue.

339. What is it beyond that, higher up?—I do not know, but I will add two or three well-known examples.

340. Supposing the Law Courts are built at Carey-street, the great object would be to relieve the traffic of the Strand as much as possible, would it not?—Yes.

341. All the lawyers, even supposing this line of road were constructed, going from their courts at Carey-street to the Houses of Parliament, would have to travel along the Strand to Wellington-street, would they not?—Yes.

342. At Wellington-street they would meet the traffic going east and west along the Strand, they would meet the traffic, which is very considerable, going to and from Waterloo Station, and they would meet the traffic coming down the steepish incline by the Lyceum Theatre, so that *quà* Wellington-street the block, if there is any block, at the corner of Wellington-street now would be increased by the lawyers coming round the corner and finding their way by the new street to the roadway on the Embankment. At any rate, that portion of the traffic would not be relieved by the construction of this road?—The lateral traffic would not, but the through traffic would.

343. It would not be relieved as regards the distance from Carey-street to Wellington-street, to begin with?—No.

344. Because that is a piece common to all the traffic along the Strand, so that the traffic of the Strand so far would not be relieved; but whereas now they would have to go on from Wellington-street round by Charing Cross, they would then turn aside by the new street to the Embankment roadway. There can be no doubt that between the Houses of Parliament and Wellington-street there would be a relief, but on the other portion of the route there would be none?—Exactly.

345. Do you think we may reckon for certain, assuming that the Metropolitan Board of Works is not bankrupt, and still continues to exist and to go on with metropolitan improvements, that when the Law Courts are built on the Carey-street site, supposing they remain there, you will open up Essex-street?—I should think there must be a communication made from Essex-street ultimately.

346. You look upon that almost as a certainty?—I should think it is almost a *sine quâ non.*

347. Now for the persons who find themselves at the corner of Wellington-street, and have to go to the Houses of Parliament, which in actual number of yards would be the shortest route to go by, the present line along the Strand and down Whitehall, or to turn down Wellington-street through this new roadway and along the Embankment, coming out at Westminster Bridge; you can have that measured and ascertain which would be the shortest?—The new route would be the longest if I rightly understand which route your Lordship is comparing.

348. I will take the case of a lawyer again; assuming that a lawyer has to go to the House of Commons, and that he has the choice of two ways from Carey-street, he can either go along the Strand, the West Strand, and along Whitehall to the Houses of Parliament, or he can go along the Strand so far only as Wellington-street, down Wellington-street, along the new roadway, and then where the roadway branches out to Whitehall-place, or the Embankment, he can

can turn either way; I want to know whether the new roadway would be a shorter route to travel by than along the Strand?—I think it would be shorter.

349. Do you know how much?—I do not.

350. For convenience and facility of access from the Law Courts on the Carey-street site to the Houses of Parliament, would it not be the preferable route for a person to take to go by Essex-street, assuming Essex-street to be opened and to be made a proper thoroughfare, and to go along the Embankment, or else, there being a Metropolitan station at the bottom of Essex-street, to take the Metropolitan Railway there, which has likewise another station at Westminster?—I think, apart from the question of railway communication, the choice would be to take the Essex-street access to the Embankment, and to follow the line of the Embankment.

351. So that for the lawyers the probability being that Essex-street will be opened sooner or later; that is the line they would take, and not this new roadway?—I should think so.

352. Clearly, if there was any question of the transfer of the Law Courts from the present site to that near the Temple it would be a matter of certainty?—Yes.

353. It would be certain, that, instead of taking the new road, they would take the Embankment?—Yes.

354. Or take the railway, which has a station at Essex-street and another at Westminster?—Yes.

355. What is to be the cost of this roadway up to Wellington-street. It is put down in your report as 230,000 *l.*?—Yes; a little less than that.

356. What does that include?—The formation of the road and compensation to all parties whose property is taken; it would be rather less than 230,000 *l.*; that was for the line indicated on that map, taking some valuable houses in the Strand.

357. It would be less than 230,000 *l.*?—Yes; perhaps 200,000 *l.*

358. That includes the construction of the ornamentation, planting, laying out, and everything?—Yes, everything.

359. We have this in evidence, I think, that the traffic going to the south would not take advantage of this road; that the traffic going north in the main to the great hives of the metropolis would not take this line, but that the officials would, and possibly, if the Carey-street site was retained for the Law Courts, some lawyers might, in going to Parliament, take advantage of it. Now, according to the present plan, that great portion of the metropolis that lives in Tyburnia, that lives in Belgravia, that lives in St. James's, and that lives in St. George's parishes will have no access whatever to this Embankment, will they, except through Villiers-street, the gradients of which you have given us, or through Craven-street?—That is so, except round by Whitehall.

360. I mean they will have no new access?—No.

361. You assume, do you not, that some day the Mall will be opened up into Cockspur-street; there is at least a possibility of such a thing?—I can express no opinion upon that.

362. You can express an opinion upon this, perhaps. Is it, or is it not true that the Metropolitan Board of Works, with a wise provision as regards the future, in constructing their own office, the pretty building they have erected at the end of the Mall, have constructed it setting the front back with a view to a possible future opening up of the Mall into Cockspur-street?—No, not with that view.

363. It so happens that it will fit in with the opening up of the Mall?—The result was the widening of that passage undoubtedly, to the great convenience of the public.

364. Your office having been built in a direct line with Carlton-terrace, it would not interfere with the opening up of a direct line into the Mall?—Taking down the hotel, and the solicitor's house at the corner of our passage, and taking a portion of Sir John Lefevre's garden, would give you access at once to the Mall, no doubt.

365. The Metropolitan Board of Works felt the necessity so strongly of finding a direct access for the traffic from the great districts of London, that I have referred to Tyburnia, Belgravia, St. James's, and St. George's, to the Embankment, that they brought a Bill into Parliament proposing to take Northumberland House, did they not?—Yes.

366. And to form a direct roadway from Charing Cross, close by King Charles's statue, to the Embankment, as we see on that plan?—Yes.

367. That was resisted, and fell through?—It was so.

368. I presume the Metropolitan Board of Works has not got more 230,000 *l.* than they know what to do with; is that the case?—No doubt.

369. Assuming that you had 230,000 *l.*, and that you wished to expend it in the way that would give the most convenient communication for the metropolis in general, taking broad views of the traffic of the metropolis in connection with the Embankment roadway, would you construct this line of road?—No, I think not.

370. You would prefer greatly a road communicating from Charing Cross to the Embankment roadway, would you not?—Certainly.

371. Northumberland House would be a very expensive house, even if it could be taken, because there are associations attached to it, and some persons admire its architecture, and think it desirable to keep it. You found that objections were raised to your proposal of taking it?—It is the cheapest approach to the Embankment to go through Northumberland House.

372. But objection was raised to that in the House?—Very strongly.

373. So strongly that that line of approach was abandoned; but it does not necessarily follow that the line of approach to the Embankment roadway should be straight?—Not necessarily.

374. Is it not often the case that a curved line of road gives a very good access, and looks better than a straight line?—There is no objection to a curved line, but there is a great objection to coming into a narrow part of the Whitehall-road, where there is an incline from the statue; and the difficulty of approaching the Embankment by that incline will be very considerable, meeting, as you would, the traffic from Parliament-street; whereas if the line is made directly through Northumberland House you get on to the higher ground.

375. Where do you say there would be a difficulty in the curved line?—I mean if you were to curve round Northumberland House, instead of passing through it, you must bring the entrance

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of your roadway lower down, into the narrow part of the Whitehall-road.

376. Why should the gradient there be different from what it would be if you went through Northumberland House?—It is different, as a matter of fact.

377. I assume that a new roadway is to be made?—I speak of the existing road, and the approach to the Embankment from it.

378. At present there is no road there of any sort or kind?—You are aware that there is an incline from the statue coming in this direction, and that then you get into the narrow and inconvenient part of the road. It would be very inconvenient to make the approach road terminate at that point instead of where it is indicated on that map.

379. Granted; but might it not open where yours ceases, at the corner of Northumberland House, and sweep round Northumberland House and garden. That line of road which is now marked by a bit of paper attached to the map on the wall, would give access, would it not, to the Embankment for those districts to which I have referred, without interfering with the Duke of Northumberland's property, further than the very smallest possible corner of his garden?—It would.

380. And the effect of the roadway being made through there probably would be, that the block of houses, and all the property behind, would have to be altered and re-constructed, and necessarily very much improved, facing, as it would, this big road; so that it would practically be a great benefit to Northumberland House, as regards the views from the back part of the house?—Yes.

381. It is a very slummy part of London now, is it not?—It is, behind the gardens.

382. The probability is, that if you made the road there, it would cease to be slums?—No doubt it would increase in value.

383. Putting all questions of cost aside, looking at the question as regards the public, and assuming that a sacrifice were made by the Duke of Northumberland of the very small portion of land required (it would really be no sacrifice, because it would lead eventually to a great improvement of his property), it would be an immense gain, would it not, to the public to have such an access to the Embankment?—Apart from the question of cost, it would be the next best thing to our own projected line, direct through the property of the Duke of Northumberland. But with reference to the cost of the one, as compared with the other, I should think that the cost of the curved line would certainly be more than double the cost of taking the Duke's house. The increased expense arises from the fact that you are obliged to cut diagonally all those houses, or portions of houses, in the Charing Cross or Whitehall-road, for nearly the whole length of that street. You must begin by taking the National Bank, and all these are very valuable shops down to Craig's-court.

384. Is the National Bank the new pretty building?—Yes.

385. Would that have to go?—Yes.

386. Have you had that measured?—Yes, we could not avoid taking it.

387. Under your own plan, I see that you not only take Northumberland House and its garden, but you take a portion of the property coloured light black, to the south-west of Northumberland House, which is property of that very description which you say is so very expensive?—Yes; but we avoid the bank.

388. You save the bank?—Yes; and if you curve your line, you are cutting diagonally parts of several houses and premises which are very valuable.

389. At what do you estimate the cost of Northumberland House?— I think, for Northumberland House and the other properties at the rear, and the properties at Charing Cross, altogether it is 460,000 *l.*

390. Do you really think that the cost of that curved line through these back properties, which have now no frontage at all, would be 900,000 *l.*?—Yes, I am quite sure it would, and you would have no return in that case; whereas, if you take the Duke of Northumberland's house, you get a large area, which would be very valuable for building purposes.

391. Have you had any estimate made of this plan through Northumberland House?—Yes, I have, by the architect.

392. And of the curved line?—Yes; I was under the impression that it might be made at a less cost, but I found that the number of properties cut through by the curved line made it very expensive.

393. That is to say, in respect of compensation?—Yes.

394. Do the Board of Works speculate. I mean, do they buy blocks outright adjacent to a road they are making, make the road, and then reconstruct those blocks with improved houses, which they sell, probably, at an enhanced price, and by that means diminish the general cost of the improvement which they have undertaken?—Yes; that principle is the prevailing one with the Board of Works in carrying out these improvements.

395. And you have found that principle work satisfactorily?—Yes; instead of making compensation to persons whose properties are affected by our works, we take a larger area than we require for the street we are making, and let the land on either side for building purposes, and as soon as it is covered with houses we take it into the market and sell the ground rent.

396. The Board does not build the houses itself?—No, we do not build.

397. But you let the land you have so acquired for building purposes?—Yes.

398. Do you sell it or let it on building leases?—We let it on an 80 years' building lease, and as soon as the ground is covered we take it into the market and sell the ground rents.

399. Is this property lying south-west of Northumberland House, where the curved paper goes, part of the Crown property?—I do not know.

400. Mr. *Cowper.*] Scotland Yard must be Crown property?—Yes; no doubt some portion of it would be Crown property.

401. *Chairman.*] It appears that a great portion of it would be Crown property. Upon a plan which I have had put into my hand there is a line which runs from near Charing Cross north of the Admiralty, a little above that passage which goes to Spring Gardens, to Northumberland House, nearly in a straight line, and that line is the line of the Crown property, so that really a very large portion of that curved white-paper line would be on Crown property; apparently

apparently two-thirds of it?—It would appear to be so according to that.

402. Lord *John Manners.*] Do you buy Crown property cheaper than any other?—I am sorry to say that our experience is quite the contrary.

403. *Chairman.*] Is it difficult to get?—We pay more for Crown property than for any other property we purchase.

404. Can you give us accurate estimates of the cost of these two plans, putting a fair value—that is to say, what a jury would consider the proper value of Northumberland House, and taking the cost of the curved line?—It would take some little time to fill up the estimate; it involves some delay.

405. It could be done within the next fortnight or three weeks, I suppose?—To make a reliable estimate we must ascertain the occupation of each part, because if anything besides what we wanted was under the same occupation we should be obliged to take those adjoining premises too; that might involve taking the shops in front. That is an inquiry which would occupy a considerable time.

406. Supposing that it were to cost double this present line, as regards the improvement of the metropolis, as a mere question of approaches to the Embankment, I suppose you are clearly of opinion that the money would be better spent on the one that cost double than on the other?—I think it would, because clearly this is a necessity. It is quite clear that there must be an approach to the Embankment from Charing Cross, and it is quite clear that on the eastern side of the Duke of Northumberland's house no such approach can be made by reason of the gradients.

407. Sooner or later you think that either on the Duke of Northumberland's, or on this other property, which is partly Crown property and partly private property, such an approach must be made to the Embankment?—I think so.

408. So much for the approaches. Now with regard to the actual site itself; what is the actual extent of this reclaimed land; let us have first the whole extent between Waterloo and Westminster Bridges?—About seven acres, I think, speaking off-hand. I have not the figures before me.

409. Let us take what you have got, beginning where your line of roadway joins the Embankment from there to there (*pointing to the plan*), what is the extent of the whole of that; the rest belongs to the Crown?—About seven acres; I think that is the extent of this part coloured green.

410. And what would the proportion be to the east of Hungerford Bridge?—I should think about six acres.

411. That is ground which you originally thought ought to be laid ornamentally, either in gardens or in buildings of an ornamental character?—That is a statutory obligation upon us at present.

412. It is a statutory obligation upon you at present to lay out that ground as ornamental ground, and you are debarred from building upon it?—Yes, entirely.

413. That statutory obligation extends how far from the Embankment road: I do not mean this new road?—Over the whole of the ground coloured green.

414. There is a block there that is not coloured at all, but left white near the bridge; why is that ground white; who does it belong to?—A portion of that belongs to the Board.

415. Which portion?—Near to the bridge, where I pointed out that an arrangement was made with the Hampstead Railway for the formation of their station.

416. Why is not that coloured green too?—Because it is not under the same condition as the other portion.

417. Is that reclaimed land?—No, I think a portion of that is ours.

418. Is all that coloured green reclaimed land?—Yes.

419. Now with regard to the white block to the south-west, whose is that?—We have power to build on that.

420. On the whole of that ground where your red line runs you originally contemplated, if you had not been debarred by Parliament, building houses or other buildings of an ornamental character?—Yes.

421. Are you now debarred from that?—Yes.

422. It would constitute a very fine site for any public building, would it not?—It would be one of the finest sites in the metropolis.

423. And you have about six acres there?—About six acres, I should say, from the bridge.

424. This roadway would bisect diagonally this same site, would it not?—It would.

425. It would render it as a site for public buildings of no further use, would it not?—It would very much diminish its value.

426. I gather from your evidence that the cost of this road would be 230,000 *l.*?—About 200,000 *l.*

427. What do you reckon as being the value of this site, that is, of these six acres of land?—That is rather a speculative question at present.

428. Let us speculate?—£. 150,000 an acre.

429. That is 900,000 *l.*?—Yes.

430. We will assume this speculation to be well founded in fact, if this Act of Parliament which Parliament in its wisdom has ordered the Board of Works to execute is executed, there will be this double effect according to your evidence, that 230,000 *l.* will be spent upon a roadway which you say will be objectionable in appearance, which is not of any great value as to the general traffic of the metropolis, and that it will not perhaps utterly destroy, but greatly diminish, the value of a site which you estimate for public purposes at 900,000 *l.*; is that so?—That is so.

431. That is the broad practical result of the Act of 1868, unless Parliament this Session were to step in and stop the proceeding, is that so?—That is so undoubtedly; supposing always that Parliament takes off the restriction at present on the Board, of not building over that land.

432. Supposing the land was available for building purposes?—Yes.

433. In my question I merely assumed the possibility of the value of this land, which you estimate at 900,000 *l.*, being diminished to a great extent, because even if this roadway were to be made, a certain portion of it, that which is coloured green, between the roadway and the river, though a very narrow slip, might be available for building or other purposes?—Yes.

434. And, therefore, *pro tanto*, the loss, as regards the value of that land, would be diminished for building purposes?—No doubt.

435. Because a certain amount would be available for building?—Yes.

436. But, as regards any great public building,

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if the roadway is constructed as at present laid down upon that land, coloured green, any such idea is entirely out of the question?—No doubt; with regard to the class of building which might be put upon that land, supposing it were required for a large public building, the formation of this roadway would greatly diminish the value, if not entirely destroy its capacity to receive a large building; but at the same time, supposing the restrictions were taken off, whether the roadway were formed or not, the land would let for building purposes for a very large sum.

437. We will assume that the roadway is made, then the part coloured green, between this roadway and viaduct, and the Embankment roadway will have to be laid out, according to the Act of Parliament, in ornamental grounds; you cannot build upon it?—No.

438. What is the depth of it?—That is 100 feet which is now being pointed to.

439. The red is not 100 feet at the narrowest part, is it?—No; the stone coloured part is 100 feet.

440. What do you propose to do with that portion which is coloured green to the north-west or to the north on that map?—It would have to be planted and laid out according to the powers of the Board.

441. As to the level of that, what would be the height of the roadway opposite that green part?—That is one of the difficulties in the formation of this roadway, that you must leave in a hole a portion of the ground to the rear.

442. It is rather a difficult thing to lay out that portion coloured green which you say you would have to lay out ornamentally, because practically there is a hole between the high ground of Adelphi-terrace and the high ground of the roadway?—Practically it can be filled up there, because the height of the road would not prevent our filling it up without interfering with the houses in Adelphi-terrace, and others, but when you pass that point the road rises to a considerable height.

443. But you cannot build upon that ground?—No.

444. Is that 100 feet which you have given us to be the width of the top of the roadway?—Including the footpaths.

445. What portion will be taken up by the slope of the Embankment on each side, to give you 100 feet at the highest elevation of your roadway; what will the width of the base of that road be?—The new road will be 60 feet wide.

446. That green part would have to be planted and made the best of, but it would be practically a hole; I want to know what space the base of the Embankment would cover, because, being on earth, it requires a certain slope to stand?—No doubt.

447. How much of that green part would be covered by the slope of the Embankment?—More than two-thirds, I should think, would be on solid, and the upper part would be on arches.

448. What I want to ascertain is, the upper part of the road being 60 feet wide, how far the base of the Embankment would extend into the green towards the yellow road?—It would be more than double the width of the road.

449. That of course would leave so much less of the green for planting, or any other ornamental purpose?—You could plant on the slope. Supposing that we got no relief from Parliament, and were obliged to construct this road without having any building screen, such as we have suggested here, we should plant it out, and lessen the unsightliness as much as possible.

450. You would have a wooden screen?—We should plant it.

451. You say you can build on the white part; how does it happen that you have power to build upon that and not upon the green; is that white part reclaimed land?—Yes, it is reclaimed land.

452. Mr. *Cowper.*] The clause applies to all reclaimed land; I think there is some mistake about that?—I will inquire into it; I think the green must be extended; that is my impression.

453. Is not that land, coloured white, included in this 26th clause of the 25 & 26 Vict. c. 93, which states that "All the land to be reclaimed from the River Thames on the south of certain streets," which have been described, "and not required for streets or roads, nor otherwise specifically appropriated by the provisions of this Act, and lying between an imaginary line drawn from the eastern boundary of the houses on the east side of Cecil-street to the Embankment roadway on the east, and the Crown lands on the west, and the Embankment roadway on the south, together with the lands to be reclaimed between the southern side of the approach road, shown on the plan marked C., shall for ever hereafter be vested in and maintained by the Board for the use of the public, as places of recreation or ornamental ground"?—I am not quite clear whether that refers to the white piece; I cannot tell unless I refer to the map signed by the First Commissioner.

454. *Chairman.*] Will you kindly ascertain that by the next meeting of the Committee?—I will do so.

455. In getting this Bill for the Embankment, and making the arrangements for carrying it out, had the Board of Works any communication with the owners of property along the line; had you to negotiate with them before you commenced your works, or was the negotiation irrespective of the Metropolitan Board of Works; was it a matter conducted by Parliament, and had you merely the construction of this work?—The original Bill was introduced by the Office of Works, and I believe certain clauses were inserted, giving special privileges to certain owners of property on the bank of the river. The Act was simply handed over to us to carry out; we had no control whatever over the parties.

456. Would you point out those clauses, if you please, and state to us what those privileges are?—The 25 & 26 Vict. c. 93, s. 53, has reference to the land of the Duke of Northumberland.

457. Will you read that clause?—"Except with the previous consent in writing of the Most Noble Algernon Duke of Northumberland, his heirs, sequels in estate, or assigns, the Board shall not take any more land belonging to the said Duke, under the provisions of this Act, than is requisite for the formation of the following streets, not exceeding 60 feet in width; that is to say, a street in continuation of Whitehall-place."

458. That goes through a part of the Duke of Northumberland's property?—Yes; the special provision is, that the Board shall not take more land than is absolutely necessary for the area of the street; the result is, that the building frontages created at great cost, by the outlay of the Board, would be in the possession of the Duke of

of Northumberland. The Board would not, as is usually the case, have power to build upon the adjacent land they might take, or upon the spare land, and to sell that to recoup themselves for the formation of the street.

459. Would the Duke of Northumberland have the power of doing so?—He has the power.

460. He is not restricted, but the Board is?—Yes; he restricts us to take only so much as is required for the formation of the road.

461. Mr. *Cowper.*] The Duke has no power of building on land that is taken from him, of course?—There are two restrictions; one is, that the land taken from the Duke for the formation of this street should not be built upon, so as to have no house to interfere with the prospect of the Duke; and the other is, that the Board shall not take more than they require for the purposes of the Act; and therefore my statement is strictly correct with regard to the powers of the Duke, to retain the building site, the frontage, in point of fact, for the purpose of building.

462. The Duke might build upon the land you did not take, but he could not of course build upon the land you did take?—Clearly; but there was a restriction upon what we could take; our usual course is to take sufficient land to enable us to build houses on either side of the street, or to let the land for that purpose.

463. *Chairman.*] And you were restricted from that in this case?—Yes.

464. So that the advantage of the frontage on either side of your roadway would remain to the proprietor of the land?—Yes.

465. Is that clause in this Act of Parliament a usual clause inserted in similar Acts?—It is quite an exception; when we are the promoters of a Bill, we never insert it.

466. Have you in any other cases had such a restriction imposed upon you?—We mostly have a struggle with the Crown, but they are the only parties who usually insist upon clauses of this description; there is generally a demand by the Government Departments having the control of Government property that we should only take what we require.

467. In other parts of London your practice is to recoup the ratepayers to a great extent for an outlay upon an improvement by taking more land than you require and building upon it?—Yes.

468. But as regards the Crown, and as regards the property to which these clauses refer, the ratepayers cannot be recouped; you must suffer?—We always suffer in such a case.

469. Mr. *Cowper.*] Supposing that the Act had given you power to build upon the land you took from the Duke of Northumberland, must you not necessarily have given him larger compensation for the injury done to his property which you did not take?—We find the result of this special legislation to be, that when the amount of compensation is to be ascertained before a jury or an arbitrator the parties always plead this special legislation; they say, "Whatever may be the case as regards the Lands Clauses Act, here Parliament itself has surrounded us with all these privileges, and therefore we must have special compensation."

470. The point to which I wished to direct your attention was this: if you had had a power of building upon the property you took between Northumberland House and the river you would necessarily have destroyed some of the advantages now attending upon Northumberland House, and therefore it would have been only fair and just that you should have given the owner of Northumberland House more compensation than you would require to give if you erected no buildings between Northumberland House and the river?—That would be a question of degree.

471-2. Mr. *Layard.*] But that proceeds on the assumption that there are no buildings between Northumberland House and the river now, whereas there are buildings between Northumberland House and the river?—If we took a portion of land from the Duke of Northumberland at the rear of his Grace's house, and took it for the purposes of the Act, and were to build high houses so as to intercept his view, it would aggravate the compensation we should have to pay; there is no doubt of that; that is one question. But then there is a separate and distinct question as to the Duke of Northumberland and other large owners of property on this line claiming, or rather having conferred upon them by Act of Parliament, the right to this building frontage which we have created. Instead of the Board having the benefit of reletting the land which we do not require in front of a fine roadway connected with the Thames Embankment, a roadway of 100 feet in width, which would be very valuable indeed, that is reserved in this case to the Duke of Northumberland, and in other cases to the Marquis of Salisbury.

473. *Chairman.*] By what clause is that?—By the 54th clause there is a reservation for the Craven estate.

474. What is called the Craven estate is not Lord Salisbury's; there must be another clause for the Marquis of Salisbury?—Yes; Section 60 in the same Act gives a privilege to the Duke of Norfolk, and section 61 relates to the Adelphi estate, and section 62 to the Marquis of Salisbury's estate.

475. Mr. *Cowper.*] Do you remember that when this Act was in Committee the counsel who proposed these clauses on behalf of the proprietors argued that the removal of the river frontage and the substitution of a road frontage was a great disadvantage to them, and not the advantage which you at present assume it to be, because they objected to the traffic that was to go between them and the river?—There is a great deal of fallacy in that argument, because it is quite clear that the major part of this property is property not exercising its rights on the waterway. As regards the Marquis of Salisbury's property, for example, with the exception of a very small portion consisting of wharves, where the deprivation of the water right would be a serious matter, the substitution of the roadway for the river would be a positive improvement instead of lessening its value.

476. That is your opinion; but was not the argument I have stated urged before the Committee?—That was the statement; I do not know what the argument would be.

477. *Chairman.*] Did not the proprietors between Westminster Bridge and Hungerford Bridge use that argument, and resist the Embankment on that ground; and was not it in order to obviate that opposition that plans were drawn by Mr. Pennethorne, which were laid before Parliament embodying a proposal that the Embankment roadway should branch off into White-

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hall-place, or pass through Lord Carington's house; that was so, was not it?—Yes.

478. But that was overridden?—Yes; that was a separate question.

479. But it was the same principle; there was a resistance to the roadway on similar grounds in principle by the proprietors on this side of Hungerford Bridge?—Clearly; and not only was the whole of the reclaimed land given up to the Crown, but the Board were put to a very great expense in building an outer wall, which was to be subject to the sanction of the First Commissioner, and was built in proper orthodox style, I hope.

480. Mr. *Layard.*] Practically, can you tell us what there was between the end of Northumberland House garden and the river before the Embankment was constructed. Northumberland House garden abuts upon Scotland-yard; on the other side of Scotland-yard there were buildings, wharves, and so on?—Yes; those were taken, and that property we have now to dispose of.

481. Was that the property of the Duke of Northumberland?—Yes; some of it was.

482. *Chairman.*] Did the Duke of Northumberland's property extend to the river?—Yes; in places it did.

483. Lord *John Manners.*] All these questions were discussed before the Committee, were they not; and counsel were heard on both sides?—Yes.

484. And the Committee came to a decision which was subsequently embodied in an Act of Parliament?—Yes, that is so.

485. *Chairman.*] What is that land, which is not coloured, to the south of the branch to Whitehall; is it Crown land?—That is the land to be given up to the Crown; the wall will be, and is, I believe, built close up to the 100 feet roadway, and all the gardens connected with these private houses in Whitehall Gardens will be extended to it.

486. It was to be given up to the Crown under the Act, was not it?—It was to be given up to the Crown under the Act.

487. Without any conditions of any sort or kind?—The only condition was that we should build a very expensive wall there.

488. Has the Crown the power to build private houses, or do what it likes there?—It has, no doubt.

489. How many acres of land did the Crown gain there?—I should think it must be quite six or seven acres.

490. What is the value of that?—The value for building purposes, supposing you could build upon the frontage, would be equal to that of the other land that I have referred to.

491. The value of that was created by this Embankment?—Yes.

492. That white property is the property of the Crown?—It is now.

493. What was it before this?—The foreshore.

494. What was the value of the foreshore, when there was no embankment, in its then state?—It had no value, I should think, as a foreshore.

495. No value at all?—No.

496. Its value, then, was the result of the Embankment?—Certainly.

497. And you had to spend a great deal of money in order to make that Embankment, which rendered this white piece of foreshore, now the property of the Crown, valuable, which up to that time was valueless; what value would you put upon it now?—It is impossible to say; it would be most valuable to us for building purposes. I will take it from Mr. Shield's valuation on behalf of the Chancellor of the Exchequer.

498. The portion of six acres to the east of Hungerford Bridge you valued, roughly speaking, at about 900,000 *l.*—Yes.

499. This portion is about five acres. Is that from its situation, as being nearer the Houses of Parliament and nearer a better description of houses, more or less valuable than the portion to the east of Hungerford Bridge?—I should not think it is more valuable; you would have the difficulty, of course, that in raising your buildings there you would be excluding the houses at present existing.

500. Do you think that you might roughly put it at 100,000 *l.* an acre?—One can scarcely deal with that land, disregarding the interests of the owners of the houses which would be affected if you were to put up a row of buildings there. Even now, notwithstanding that the Board are compelled to build a very handsome wall at the end, and to lengthen the garden walls, separating each of the gardens, we have actually had claims sent in by the Crown tenants for compensation for being deprived of the benefit of the water access. It is quite true that, in some cases, an old door, which had probably not been opened for the last 40 years, existed at the bottom of the garden, where persons might have taken a boat. However, although we have given them the advantage of all that ground and the removal of all the mud banks in front, which might greatly have annoyed them, yet we are now dealing with claims made by tenants of the Crown for diminished value.

501. Have you had any awards made upon those claims?—Yes, we had one on Mr. Horsman's, another on the Duke of Buccleuch's, and there is one now unsettled of Sir Robert Peel's.

502. How much had you to pay?—In the Duke of Buccleuch's case it was quite 8,000 *l.*

503. And in the other case?—In Mr. Horsman's case it was 8,000 *l.*, I think.

504. In Sir Robert Peel's how much was it?—That is not yet settled.

505. As regards the value of this land, it comes to this, that that white piece of land which has been reclaimed was in a state of foreshore; it was the property of the Crown, but comparatively valueless, but that, through the construction of this Embankment, this same valueless land has been made very valuable; we will not say whether it is worth 300,000 *l.*, 400,000 *l.*, or 500,000 *l.*, but it is of a value, going into hundreds of thousands of pounds?—Yes.

506. And the Crown, or those who represent the Crown, obliged the Metropolitan Board of Works, or rather the ratepayers of the metropolis, through the Metropolitan Board of Works, to pay 27,000 *l.* for the right of making this Embankment, which has rendered this property of the Crown, that was comparatively worthless, as valuable as you have stated it to be?—That is so. At the same time, I am bound to say, on behalf of the officials connected with the departments concerned, that they have simply done their duty. My protest is against the principle. I think Mr. Gore and the officials have only followed out that which it was their duty to follow out.

507. My

507. My question was not directed against the mode of administering the Crown revenues, but it had reference to the principle of justice as between the Crown and the ratepayers of the metropolis. An embankment of this kind, constructed along the great river of the great metropolis of a great kingdom, can hardly be looked upon really as a mere municipal affair, can it?—No, I think it is a semi-Imperial matter.

508. But the semi-Imperial funds have contributed nothing whatever to this Embankment?—Nothing.

509. It is the ratepayers of the metropolis, who, through the coal and wine dues, have paid the whole of the cost of this Embankment, amounting to 2,000,000 *l.* or 3,000,000 *l.*, or whatever the ultimate sum may be?—Yes.

510. And as regards any Imperial funds, the only way in which Imperial funds appear is, that the ratepayers have been further obliged to pay 27,000 *l.* to the Crown, in order to improve the Crown's property?—Yes.

511. And about 15,000 *l.* compensation in awards to the tenants of the Crown?—That is a small portion; there are other claims.

512. By "small," you mean that 15,000 *l.* is a very small item in 3,000,000 *l.*?—I mean that we have already paid about 16,000 *l.* in claims, and spent 6,000 *l.* or 7,000 *l.* upon a wall; and there are other parties along the line who may claim still.

513. So that it does not at all follow that the claims on the part of the tenants of the Crown will be limited to this 15,000 *l.* or 16,000 *l.*?—No.

514. Lord *John Manners.*] You do not mean that these gentlemen claim as tenants of the Crown more than they could claim if they were their own tenants, or the tenants of anyone else?—I do not say that they are doing anything more than they might do if they were the tenants of John Smith. I only say that we have given them a large piece of ground, and built an excellent wall at the end, and lengthened the garden walls, and yet they claim for diminished value.

515. *Chairman.*] That is a matter of opinion upon their part; they might prefer an access to the river, even though it is an incommodious access, to what you consider an improvement?—Yes, clearly.

516. Mr. *Cowper.*] May I ask did the Board pay compensation for that portion of the foreshore which is situated in front of Whitehall Gardens?—I think that that was included; there was a general measurement of all the reclaimed land, and I believe the payment applied to the whole. But we paid 27,000 *l.*, whether it was upon a diminished area or including the whole.

517. I mean to say that when the Crown got the reclaimed land, I presume it did not also get anything for the foreshore for the same land; therefore, you had to pay the Crown, either in form of compensation for the foreshore, or in the form of reclaimed land?—I am unable to say whether that portion in front of Whitehall Gardens was included in the original measurement for which we paid 27,000 *l.* or not, but we did pay 27,000 *l.* whatever it was for.

518. Does not the Act of Parliament state that the lands which are to be given to the Crown are not to be considered lands in respect of which money compensation is to be paid?—That is so.

519. *Chairman.*] With regard to the other portion upon which other proprietors abut, I mean the portion affected by this roadway between Hungerford Bridge and Wellington-street, are there any other clauses either in the Act of last Session or in the 25 & 26 Vict. c. 93, to which you wish to refer for the purpose of showing how the Board is tied down and bound?—I will lay before the Committee all the sections imposing restrictions on us or conferring special privileges on the proprietors. The first section which I would refer to is section 26 of the Act of 1862: "All the land to be reclaimed from the River Thames on the south of the streets fourthly and fifthly hereinbefore described, and not required for streets or roads, nor otherwise specifically appropriated by the provisions of this Act, and lying between an imaginary line drawn from the eastern boundary of the houses on the east side of Cecil-street to the Embankment roadway on the east, and the Crown lands on the west, and the Embankment roadway on the south, together with the lands to be reclaimed between the southern side of the approach road, shown on the plan marked (C) hereinafter referred to, leading towards Norfolk-street, Surrey-street, and Arundel-street, shall, for ever hereafter, be vested in and maintained by the Board for the use of the public as places of recreation or ornamental ground, and the expenses incident to such maintenance shall be deemed to be expenses of the Board in the execution of the Act 18 & 19 Vict. c. 120, and all parts of the metropolis shall be deemed to be equally befited by all sums so expended by the Board." Then the 28th section, "No house or building shall be erected upon any part of the lands to be acquired or reclaimed, as aforesaid, situated between the River Thames and the Gardens of the Societies of the Inner and Middle Temple respectively, other than any such porters' or gardeners' lodges, alcoves, or other buildings of a like nature, of only one floor each, as are from time to time, whether before or after the passing of this Act, approved by the First Commissioner of Her Majesty's Works and Public Buildings, by writing under his hand." The 53rd section referring to the Duke of Northumberland, says, "Except with the previous consent in writing of the Most Noble Algernon Duke of Northumberland, his heirs, sequels in estate, or assigns, the Board shall not take any more land belonging to the said Duke, under the provisions of this Act, than is requisite for the formation of the following streets, not exceeding 60 feet in width; that is to say, a street in continuation of Whitehall-place, and a street in continuation of Northumberland-street, such streets to be made respectively in the direction shown on the plan (A), hereinafter referred to, or within the limits of deviation shown on such plan; and except with the previous consent in writing of the said Duke, his heirs, sequels in estate, or assigns, and of the said Board, no building shall be erected upon the lands taken from the said Duke, his heirs, sequels in estate, or assigns, for such streets, or upon the lands coloured green upon the plan marked (A), signed in duplicate by the Right Honourable William Cowper, one part whereof is deposited in the Private Bill Office of the Honourable the House of Commons, except any buildings for making necessary fences on the sides of such streets, or for accommodating the public with fountains or covered resting places, or for public monuments,

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such buildings or monuments not exceeding 19 feet in height above Trinity high water-mark." The 54th, providing for the continuation of Craven-street is, "The Board shall appropriate and set apart so much of the land to be acquired by them under the powers of this Act, lying southward of the Craven-street Estate, belonging to William George Craven, Esq., as shall be necessary for the formation of a public street of not less than 60 feet in width, in continuation of Craven-street, up to and to communicate with the new street fourthly herein described, and such land shall not be used for any other purpose." The 60th section, giving special protection to the Duke of Norfolk, is, "Opposite the Strand Estate of the Duke of Norfolk, the north side of the approach road, and the approaches therefrom to Surrey-street, Norfolk-street, and Arundel-street respectively, shall be constructed on the line, and in the position shown on the plan marked (C), signed by the Right Honourable William Cowper. The Board shall not exercise any powers of compulsory purchase in respect of any estate, right or interest of the Duke of Norkolk in the Strand Estate, except so far as may be necessary for the construction of the said approach road and approaches. No buildings shall be placed on the reclaimed land between Somerset House and the Middle Temple, southward of the said approach road on the said plan, except the walls or arches of the Embankment or of any roads or approaches to be made on the said land, and except any public stairs or landing-places, fountains and covered resting places for public use or public monuments. All the land between the present southern boundary of the Strand Estate and the north boundary of the said approach road, and the freehold and inheritance thereof, shall, upon payment or allowance to the Board of the value thereof, vest in the Duke of Norfolk by force of this Act, and be held by him as part and parcel of the Strand Estate. The Duke of Norfolk shall have power to build up to the line of the footways on the north side of such approach road, and on both sides of the approaches to Surrey-street, Norfolk-street, and Arundel-street respectively, and have free access to the said approach road and approaches. The compensation to be paid to the Duke of Norfolk by the Board for the value of or injury to his property, and the sum to be paid by the Duke of Norfolk to the Board for the value of the land so hereby vested in him, shall, in case of dispute, be settled in the manner prescribed by this Act. Throughout this Act the expression 'the Duke of Norfolk,' means 'Henry, now Duke of Norfolk,' and every future owner in possession of 'Arundel Estates,' and every guardian or guardians of the said Henry Duke of Norfolk, and every future owner during his minority; and the expression 'the Arundel Estates,' means the estates for the time being settled or conveyed to the uses of an Act of Parliament passed in the third year of the reign of King Charles the First (whereby certain estates were settled upon the heirs male of Thomas Earl of Arundel and Surrey), and in the possession of the Duke of Norfolk for the time being; and the expression 'the Strand Estate,' means such parts of the Arundel estates as are situate in the parish of St. Clement Dane, in the county of Middlesex." The 61st clause relating to the Adelphi Estate is, "The Board shall not take by compulsion under the powers of this Act any other part of the Adelphi Estate in the parish of Saint Martin-in-the-Fields, belonging to or claimed by George James Drummond, than such as shall be required for the making of the roadway and footpath of the street in this Act described between Whitehall-place and Wellington-street; and the land reclaimed under this Act from the River Thames, and lying between the Adelphi Estate and the northern side of the line of that street, shall be subject to the like restrictions and provisions in respect to buildings and other matters which might occasion injury or annoyance to the adjoining property, or the owners or occupiers thereof, as are, under the Act of the eleventh year of the reign of King George the Third, intituled, 'An Act to enable certain persons to inclose and embank part of the River Thames adjoining to Durham-yard, Salisbury-street, Cecil-street, and Beaufort-buildings, in the county of Middlesex, enacted, and as are now in force in respect of that part of the Adelphi Estate which immediately adjoins thereto, and was inclosed and embanked under that Act; and the same land so lying between the Adelphi Estate and the northern side of such line of street, and the fee-simple and inheritance thereof in possession, shall, upon the completion of the same street, or of that portion thereof which shall pass in front of the said Adelphi Estate, or on the completion of the Embankment by this Act authorised, which event shall first happen, and on payment of the balance, if any, which, under the arbitration hereinafter referred to, will have to be paid by the said owner to the Board, vest in the owner of the said Adelphi Estate; and the amount of compensation to be paid by the Board in respect of any land purchased, and for any damage done to the said Adelphi Estate by the execution of the powers of this Act, to which the said owner may be entitled, under the provisions of this Act, and also the value of the said land so to be vested in the owner of the Adelphi Estate, shall be settled by arbitration, pursuant to the provisions of this Act; and the sum or sums awarded in respect of the value of the land to be so vested, and in respect of such compensation, may be set off one against the other, and the difference shall be paid by the owner to the Board, or by the Board to the owner, as the case may be: Provided always, that no building shall be erected between the lands so vested in the owner of the said Adelphi Estate and the River Thames other than the walls or arches of the Embankment, or of any roads or approaches to be made on the said land, and except any public stairs or landing-places, fountains, and covered resting-places for public use or public monuments." The 62nd, prohibiting building in front of the Marquis of Salisbury's estate, is, "No house or building shall be constructed without the consent of the Marquis of Salisbury, his heirs, sequels in right, or assigns, upon any land now lying between, or which shall or may, after the reclamation and inclosure of the bed and foreshore of the river, lie between Cecil-street and Salisbury-street, and the houses on the southern ends thereof, on the north, and the River Thames on the south, other than the walls or arches of the Embankment, or any roads or approaches to be made on the said land, and except any public stairs or landing-places, fountains, and covered resting-places for public use or public monuments; but the said Marquis, his heirs and assigns, and his

and

and their lessees, and tenants of houses and premises in Cecil-street and Salisbury-street respectively, shall have full and free rights of communication, and access and egress, at all times, to and from the land so to be reclaimed and inclosed as aforesaid; and the Board shall provide and construct such convenient means of communication therewith as may be necessary for giving to the Marquis, his heirs and assigns, and his and their lessees and tenants, such access accordingly." The 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, and 78th sections, which impose various restrictions in reference to Crown land, vest all the reclaimed land in the Crown, and give the Crown lessees a right to lease the reclaimed land adjoining their holdings for the remainder of their respective terms. The 71st section is: "Whereas two copies of the aforesaid plans and sections (which copies are hereinafter called the Crown plans) have been prepared, on which certain parts of the bed or foreshore of the River Thames up to high-water mark, belonging to or claimed by Her Majesty as part of the hereditary land revenues of the Crown, are coloured blue; and other parts of the same bed or foreshore in front of Somerset House, and of the buildings in Cannon-row, commonly called the Board of Control, respectively are coloured green; and other parts of the same bed or foreshore in front of certain land belonging to the Commissioners of Her Majesty's Works and Public Buildings, incorporated for the purposes of 'the Westminster Bridge Act of 1853,' are coloured red, and on which Crown plans the line of the roadway and street authorised by this Act on the said parts of the said bed or foreshore, coloured blue, green, and red respectively, is confined between red and black lines, and the line of the Whitehall Yard-street authorised by this Act on the said bed or foreshore coloured blue is confined between red lines; and whereas the said Crown plans have been, or are intended to be, forthwith signed by the First Commissioner of Her Majesty's Works and Public Buildings, and by one of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues: Be it enacted, that one part of the said Crown plans so signed as aforesaid shall be deposited among the Records of Her Majesty's Court of Exchequer, and the other part thereof in an office of Land Revenue Records and Inrolments, as soon as conveniently may be after the passing of this Act (if not so deposited previously to the passing thereof); and it shall not be lawful for the Board in the construction of the said intended roadway and street respectively to make any deviation from the levels defined in the sections shown on the Crown plans, nor from the limits of deviation defined by the said red and black lines respectively on the said Crown plans, without the consent in writing of the First Commissioner of Her Majesty's Works and Public Buildings as regards the bed or foreshore coloured green and red on such plans, or of one of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the time being as regards the bed or foreshore coloured blue on such plans." The 72nd section is: "The Board shall, at their expense, before opening to the public the parts of the intended roadway which will be constructed on the bed for oreshore coloured blue and green respectively on the Crown plans, fill up, level, and wall or fence all those parts of the said bed or foreshore coloured blue and green respectively, lying between the intended roadway and the present river frontage (above high-water-mark), to the satisfaction in all respects of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or one of them, as to the bed or foreshore coloured blue; and of the First Commissioner of Her Majesty's Works and Public Buildings as to the bed or foreshore coloured green, and such filling up and levelling (unless such last-mentioned Commissioners respectively shall otherwise direct in writing under their respective hands as to the whole or any part thereof), shall be done to the level of the adjoining river frontage above high water-mark, and of the said intended roadway and street respectively, on the side or sides abutting thereon respectively." The 73rd section is, "The bed or foreshore so filled up, levelled, and walled or fenced as aforesaid, shall, as to the part coloured blue, continue vested in Her Majesty, her heirs and successors, and shall as to the part coloured green be annexed to and be deemed to form part of Somerset House, and the house heretofore known as the Board of Control respectively, for all purposes whatsoever; and it shall not be lawful for the Board to use any part of the bed or foreshore coloured blue or green, so to be filled up as aforesaid, for the purpose of depositing materials, except during the construction of the works, nor to appropriate or grant any part of such bed or foreshore, or any right or easement to, over, or in connexion therewith, by way of compensation to any person for loss of river frontage or other damage, it being the intention of this Act that the same respectively shall be and remain vested and annexed as aforesaid in possession, without becoming subject to any rights or estates of or in any leases of the river frontage or other persons, except only so far as any lessees may exercise the option by this Act given to them of taking leases of the reclaimed land; and after such filling up, levelling, and walling or fencing aforesaid, of the said bed or foreshore, coloured blue and green respectively, and the embankment in front thereof, shall have been completed, it shall not be lawful for the Board to enter on the parts so filled up, levelled, and walled or fenced for any purpose whatsoever." The 74th section is, "It shall be lawful for the Board to erect any building or structure whatever (other than a parapet wall or railing not exceeding four feet in height) or any part of the embankment coloured blue, green, or red on the said Crown plans, without the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or one of them, as regards the part coloured blue, or of the First Commissioner of Her Majesty's Works and Public Buildings as regards the parts coloured green and red." The 75th section is, "An estimate shall be made of the amount of any diminution in value which may be caused by the works by this Act authorised (except of so much thereof as will be situated on the lands coloured blue, green, or red on the Crown plans, for which excepted parts no money compensation is to be paid) of the rights and interests of Her Majesty in right of Her Crown, and of the Conservators of the River Thames, under 'The Thames Conservancy Act, 1857;' and the amount of such estimate shall be paid by the Board to the Conservators, to be applied by them according to the provisions of the same Act, by way of compensation for the rights and

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and interests aforesaid; and the said estimate shall be made by two arbitrators or their umpire in manner following, viz.: one such arbitrator shall be appointed by the Board, and the other by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or one of them, within one month after the passing of this Act; and such arbitrator shall, before they commence their duty, appoint an umpire, in writing; and if, within 21 days after both arbitrators have been appointed, they shall omit or refuse to appoint an umpire as aforesaid, it shall be lawful for the Commissioners of Her Majesty's Treasury to appoint an umpire, which appointment shall be valid, whether the arbitrators have then commenced their duty or not; and if either party shall neglect or refuse to appoint an arbitrator as aforesaid, the arbitrator appointed by the other party shall act alone; and the decision of such arbitrators, or arbitrator, or umpire (as the case may be), shall be final; and all the costs and expenses of the valuation to be incurred by either party shall be borne and paid by the Board." The 76th section is: "The Board shall not be liable to pay to Her Majesty, her heirs or successors, any compensation for any damage or injury which may be caused to any of the lands belonging to Her Majesty, her heirs and successors, in right of the Crown above high-water mark, by reason of the severance from the River Thames and of the construction of the roadway on the Embankment by this Act authorized." The 77th section is: "Whenever the Board shall shut up, remove, or in any manner obstruct the use and enjoyment of any existing stairs, hards, or landing places on or in front of any part of the bed or foreshore coloured blue, green, or red, in the said Crown plans, they shall, at their own expense, construct and maintain other stairs or landing places in lieu thereof, to the satisfaction of the Commissioners of Her Majesty's Woods, Forests, and Land Revenue, as regards the part coloured blue, and of the first Commissioner of Her Majesty's Works and Public Buildings, as regards the parts coloured green and red respectively; such substituted stairs or landing places to be for the sole use and enjoyment of Her Majesty, her heirs and successors, or such other person or persons as are or would have been entitled to the use and enjoyment of the stairs or landing places in lieu whereof the same respectively shall have been constructed; and it shall not be necessary to obtain the approval of the conservators of the River Thames before constructing such stairs or landing places, nor shall the same vest in the said conservators any general provisions in this Act notwithstanding; and the Board shall at their own expense construct and maintain such roads, ways, and other communications into the said intended roadway from the lands or buildings adjoining the parts coloured green and red respectively on the said Crown plans, and also such stairs and other conveniences for access to the river from the same lands as the Commissioners of Her Majesty's Treasury shall from time to time during the construction of the works authorised by this Act in writing require; and shall on the like requisition afterwards stop up and discontinue the same, or any of them; and it shall be lawful for Her Majesty, her heirs and successors, or the Commissioners for the time being of Her Majesty's Woods, Forests, and Land Revenues, at any time or times hereafter, to require the Board at the expense of the said Commissioners to construct any vaults or cellars extending not more than 12 feet under any roadway or street to be constructed upon any part of the said bed or foreshore coloured blue, and also to have access at all points to such roadway or streets from any part of the hereditary possessions of the Crown, and to open any streets into the same; and it shall also be lawful for the Commissioners for the time being of Her Majesty's Works and Public Buildings, with the consent or by the direction of the Lords Commissioners of Her Majesty's Treasury, at any time or times hereafter, to require the Board, in like manner, and at the expense of the said Commissioners, to construct any such vaults or cellars as aforesaid under the roadway or streets to be constructed upon any part of the said bed or foreshore coloured green or red, and also to have access at all points to such roadway or streets from any part of the buildings or land adjoining the said parts coloured green and red respectively, and to open any streets into the same: Provided always, that no work to be done under the foregoing provision shall be such as to prejudice or injuriously affect any subway or other works of the Board, or the convenient use thereof by the public." The 78th section is, "It shall be lawful for the lessees of her Majesty of the river frontage adjacent to so much of the land and foreshore coloured blue on the Crown plans as lies between Whitehall-stairs and the southern extremity of the land and foreshore so coloured blue, to have the option (to be signified by notice in writing under the hands of such lessees respectively, and to be left at the office of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues), within five years after the passing of this Act, of taking leases from the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or one of them, on behalf of Her Majesty, of the land and foreshore adjacent to their respective leasehold properties which will intervene between the same and the intended roadway, for terms co-extensive with their several existing leases, and at rents to be fixed as hereinafter provided; and in case any question shall arise as to the lessees or lessee entitled to such option, or to the extent of land and foreshore to be included in any lease, every such question shall be settled by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or one of them, whose decision shall be final; and the rents to be reserved by such lessees shall in every case be fixed by the arbitration of two surveyors, one to be nominated by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or one of them, and the other by the lessees respectively, or by an umpire to be appointed by such arbitrator, or to be agreed to in the first instance by the said Commissioners or Commissioner and lessees respectively; and such rent shall be estimated on the basis of a fair rental on the land as garden ground which cannot be built upon; and in any claim for compensation by the said lessees, on the ground of their lands or interests being injuriously affected by reason of the works by this Act authorised, regard shall be had to the option by this section given to such lessees of taking leases of the land and foreshore adjoining to their respective properties at such rent as aforesaid."

520. You had to give up your crescent in consequence of the opposition of these proprietors in the main?—In consequence of a general opposition.

521. Do

521. Do you think that one may assume that the proprietors in that part of London, especially in the Adelphi-terrace, Mr. Drummond and those who rent the land of him, would raise any objection to an ornamental public building?—We propose to take the Adelphi-terrace, and resell it.

522. How do you propose to deal with the Adelphi-terrace?—We propose to purchase the interests of all parties, and resell.

523. Opinions as to the beauty of sites of course necessarily vary, but I suppose there could not be any difference of opinion as to the Adelphi-terrace being a very remarkable site for a public building?—Clearly.

524. Do you think that, for any scheme for the construction of a public building upon that site, it would be necessary to get the Adelphi-terrace?—I suppose you could not carry out any such scheme without it.

525. What would answer best, would it not, would be a building parallel to the river, near Adelphi-terrace, with gardens in front, and projecting wings, which would hide the Charing Cross Station, acting as a screen?—Yes.

526. That would probably, with a view to the effect of the Embankment, be the most agreeable, and the best way of dealing with that bit of land?—Yes; I think to erect a large building there would be a very proper thing to do.

527. On some such plan as I have indicated?—Yes.

528. Do you believe that it would be possible, assuming that the Government got possession of the Adelphi-terrace, and the houses in that part of the town, if needs be, to carry a roadway at the back of that building, communicating with Wellington-street?—Yes; I think there would be no difficulty in that, because, if you take that property, you are getting on to a different level, and you would have the means of getting down on to the roadway on the Embankment, without the inconvenience of the present plan.

529. Then if the plan of the Metropolitan Board of Works is to take more land than you actually want, with a view to reselling the frontage on the new ground, and recouping yourselves, you would think it desirable, in dealing with this bit of land for any public building, that the same system should be resorted to at the Adelphi-terrace; and that instead of paying compensation for blocking out the views of some of the proprietors of those houses, it would be better to buy up those rights, and lay the ground out afresh, as you do in most of your improvements?—I think, in reference to the Adelphi-terrace, it would be found that, even after you had erected a very large building in front, those houses would still be extremely valuable, and that the proper course would be, in the first instance, to purchase the houses, and to hold them, and then to sell them when everything was finished.

530. You would purchase more land than you required for your building and avoid paying compensation?—I do not mean that you could cover those houses without compensation. I do not think Parliament, on principles of justice, would permit a large building to be placed there without compensation being made to those proprietors in some form.

531. You think it would be better to purchase more property than is required, and to hold it, and that the Government would lose less by holding it in that way, and reletting or reselling it afterwards, than by giving compensation?—I think the bolder course would be the cheapest in the end, that is, to purchase and re-sell.

532. It has proved itself so, on more than one occasion, has it not?—Yes.

533. And you have found it so in your own works?—Yes.

534. Has it or not been the case, that where that course has not been followed by the public, they have had eventually to pay more than if this course had been followed at first?—No doubt that has been the case. If you took the Adelphi-terrace, and satisfied all the interests, first the freeholder, then the lessee, then the sub-lessee and occupiers, it would be a very expensive process; but if you purchased the Adelphi-terrace, and allowed the tenants to remain, or if you relet it, and exhausted the sub-interests, by notice or otherwise, that would be a much cheaper course of action than taking it down at once and clearing the ground.

535. As a mere matter of policy, would it not be advisable, with reference to this new line of road, before any steps are taken for its construction, even supposing it were not abandoned, to let it be in abeyance until this Embankment road is opened the whole way along to Essex-street and Blackfriars, and until by its being so opened, there is an opportunity of judging of what the demands of the traffic really are, and how the opening of this Embankment affects the Strand and other parts of the metropolis?—That is a condition of things that does not exist. We are under a contract, and we must proceed. If the parties give us notice we must proceed to have the compensation assessed by a jury or by an arbitrator, and all we can do is to acquire the interests, to pay the money, and to hold the property.

536. I suppose, in order to suspend operations, it would require another Act suspending the existing Act?—Yes.

537. That is a private Act, so that it cannot be carried through the Session. The Government, however anxious they might be to do this, would have no power to do it this Session, because notices would require to be given?—The Metropolitan Board must be indemnified.

538. What you consider is, that you have incurred possible liabilities?—Actual liabilities.

539. You have incurred possible liabilities to the amount of 32,000*l.* It may be less, you said, I think?—But we have served notice on seven other proprietors who have not sent in their claims. The 32,000*l.* is simply the amount claimed by four out of the 11 parties who have received notices.

540. And you hold that the ratepayers of the metropolis ought to be indemnified from any loss under that head?—Clearly. If Parliament, in 1866, determines on a certain course of action, and for that purpose confers certain powers on our Board, and we, as the executive authority acting in pursuance of those powers, incur a liability, and then Parliament, in 1869 or 1870, changes its mind, and directs another course of policy to be pursued, Parliament must clearly bear the onus of the damage resulting from the change of policy.

541. You have said that in any case, sooner or later, a road must be made somewhere in the direction of Northumberland House, to accommodate the traffic of the north-west and west of London. This road clearly does not effect that object in any way. This road is to cost you about

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about 230,000*l.*; that, therefore, at the present moment, is a liability under which the ratepayers of the metropolis lie by Act of Parliament. Now, supposing that through the intervention of Parliament, you were relieved from the liability to spend that 230,000*l.*, it might be possible, might it not, to set off one liability against the other in the interests of the ratepayers?—Supposing the new liability were equal to the old.

542. Or less, still more so. If what you had to pay for this road you are now bound to make did not amount to 23,000*l.*, or anything approaching to it, you might accept the other liability, on the understanding that you were relieved from this?—Certainly, so far as that goes.

543. It must necessarily be very much less, because your 230,000*l.* estimate was not confined to the mere construction of the works, but embraced also compensation for injury in any way, or property taken?—It was an inclusive estimate.

544. So that necessarily any liability you have now incurred, either actually or possibly, would be very much less than the liability you lie under by Act of Parliament?—Of course, whatever liability we incur, we should certainly save the structural cost; but then there would be the liability of selling these houses at much less than we buy them for, because you may purchase a man's goodwill but you cannot sell it; you have to purchase all the property at its full market value, and then there is 10 per cent. added for compulsory sale, which makes it beyond the market value; therefore there would be a loss in that respect. But some of the parties, having regard to what they have said, might be desirous of asking us to withdraw our notice; I do not know whether Mr. Clark might, I am not sure.

545. Putting all questions of liabilities as regards these notices, and liabilities to execute the work under the Act of Parliament aside, it would be manifestly, would it not, the wiser course, even supposing eventually there was to be any construction of a road in that direction, to wait until one sees how the traffic of the metropolis developes itself when the Embankment is opened?—Yes; but the Board would have no discretion.

546. I am putting a mere abstract proposition, I am supposing that the Board was relieved of all this liability?—Clearly, we have no strong feeling in favour of this road; on the contrary, we would rather spend the money elsewhere. I should like just to explain with regard to this elevation, that the arrangement was not to put these houses (*pointing to the elevation*) in front of the roadway but at the back, and to raise the level so as to destroy the effect we wish to destroy. I am afraid the impression was that the roadway was behind; the roadway is in front.

Tuesday, 13*th April* 1869.

MEMBERS PRESENT:

Mr. Buxton.
Mr. Cowper.
Captain Dawson Damer.
Mr. Dilke.
Lord Elcho.
Mr. Gregory.
Mr. Beresford Hope.
Mr. Layard.
Mr. M'Lean.
Lord John Manners.
Mr. Tite.

LORD ELCHO, IN THE CHAIR.

Mr. JOHN TAYLOR, called in; and Examined.

Mr. *J. Taylor.*
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547. *Chairman.*] I BELIEVE you are Surveyor to the Office of Works for this district of London?—For the London district.

548. Has your attention been called to this Metropolitan District Railway which is being constructed, or about to be constructed along the Thames Embankment?—It has.

549. How has your attention been specially directed to it, in connection with the office which you hold?—With reference to the vibration that may be caused by it.

550. Your attention has been directed to this Metropolitan Railway, in your official capacity, with reference to the vibration which may be caused by trains running along the line?—In front of Somerset House.

551. Has anyone called your attention to that, or has the possibility of vibration occurred to yourself?—The question of vibration was raised nearly a month ago, in consequence of a tie-bolt in the terrace dropping when certain waggons, carrying sand, were passing in front of the building, on a temporary railway.

552. In the terrace of Somerset House there are certain tie-bolts; one of those dropped, about a month ago; and you attributed that to the waggons carrying sand along the Embankment?—Yes; it fell at the time of the waggons passing.

553. Have not tie-bolts fallen on previous occasions?—They have.

554. Was there any similar occurrence then, to cause the tie-bolts to fall?—I am not aware of any.

555. Then it does not follow that this second tie-bolt fell in consequence of the railway?—No.

556 Is that the only reason you have for apprehending danger from vibration?—The settlement has been increased since the Thames Embankment was formed.

557. Did that settlement take place before any railway ran along the Embankment?—It did.

558. So that you cannot connect that settlement with the vibration of the railway, although you might connect it with the formation of the Embankment?—Yes.

559. Has any other circumstance called your attention to this question of the vibration of the railway?—No other circumstance.

560. Have you yourself been much in Somerset House, or on the terrace, or in the rooms under the terrace, since this temporary railway has been in operation?—I have questioned persons who have been there, but I have not been there myself.

561. What was the result of your questioning?—They could not perceive any vibration at the time of the waggons passing.

562. So that practically your evidence, and the evidence of persons in Somerset House, resolves itself into the question of a tie-bolt having fallen?—Yes; it was not really a tie-bolt, it was a bolt which had been used in repairing a tie-bolt many years ago.

563. It was not an original bolt, but a repairing bolt?—A repairing bolt.

564. Do you think that was properly constructed, or that it was defective in construction?—It was much lighter than a bolt which I should have put in.

565. So that this bolt which was put in was a repairing bolt in itself defective?—It was much too light for the purpose.

566. Will you describe to us where these bolts are?—They are across the vaulting, and form abutments to the vaulting.

567. Mr. *Tite.*] They are tie-rods?—Yes.

568. *Chairman.*] With reference to other public buildings, can you speak of the effect of this Metropolitan, or any other railway, upon them?—My attention has not been called to any others.

569. Mr. *Layard.*] Do you anticipate any injury to Government property in consequence of the Underground Railway being carried under the Embankment?—There having been a settlement in the terrace, in my opinion, if vibration be added it will probably increase the defect.

570. Do you think that any precaution could be taken, in constructing the railway, to prevent the effect of this vibration?—I have not considered what precautions should be taken, but I think every precaution should be taken to avoid

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vibration at all the points where the railway comes near to the building.

571. You think that unless some precautions be taken, Somerset House might be endangered by the passing of trains under the Embankment?—I think the settlement of the terrace would be aggravated, unless some precautions be taken for preventing the vibration.

572. Is there any other Government property on the Embankment which might be affected by the Metropolitan Underground Railway?—The only other building is the one at the end of Cannon-row; and that, I believe, in all probability does not require any special attention.

573. There is also the Probate Court?—I am not aware that it will affect that; I do not think it is near enough.

574. Have you turned your attention to the precautions which might be taken to prevent this vibration?—No, I have not.

575. You cannot give any information on that subject?—No, none whatever on that subject.

576. Mr. *Tite.*] In what way are the foundations of Somerset House laid; do they go down to the blue clay, or are they piled upon planks, in the ancient fashion?—They are piled on planks or piles, I believe; but I have not seen them.

577. You have never gone down?—Never.

578. Neither do you know, I suppose, how far the foundations go over the blue clay?—No, I have not seen them.

579. Have you seen the blue clay reached by the Thames Embankment?—No, I have not.

580. To what do you attribute the subsidence of the earth?—In my opinion, it must be either from the pumping during the progress of the works, or the wetting of the foreshore from the wharf at the end of the terrace.

581. Surely it does not come near enough to any wharf?—Against the wharf of the terrace.

582. That is the hole which has been filled up?—Yes.

583. Were settlements there before?—Yes, about 20 years ago; but for 10 previous to the commencement of the Thames Embankment works no settlement had taken place.

584. These tie-bolts were introduced at the time Sir William Chambers finished it?—I think it must have been so; from the nature of the bolts, I think they must have been introduced originally.

585. Do you know the date of the building?—Yes, within a very little.

586. You know it was built by Sir William Chambers?—Yes.

587. *Chairman.*] How long have you held the office which you now hold?—I have held my present office for three years; but I have been in immediate connection with it for 10 years.

588. The Exchequer Office, or some of those buildings, I believe, was affected by some drainage works which were going on some years ago; there were settlements which were supposed seriously to affect those buildings?—I do not remember that.

589. Mr. *Tite.*] When you speak of pumping, do you mean pumping the water which was in the strata between the blue clay and the piling and planking?—Yes.

590. And that that pumping drained the water, and you suppose that thereby the strata shrunk?—That was my opinion.

591. Mr. *Layard.*] The fact is that no settlement had taken place for many years at Somerset House before the construction of the present Embankment; but after the construction of the Embankment, the subsidence took place?—For 10 years it had not moved; but immediately after the works were begun it did move, and the attention of the Metropolitan Board was called to it at the time.

592. Have any precautions been taken to prevent that subsidence going on?—With the exception of additional tie-bolts having been put in, no precautions have been taken.

593. Mr. *Tite.*] Is the settlement of a very important character?—It is a general settlement of the terrace from the main building, a separation of the two, going over towards the river.

594. Of course the pumping having ceased, and the Embankment going right down to the blue clay, there would be no more drainage of the superficial stratum?—I should say so.

595. Mr. *Layard.*] Are you of opinion that in the construction of the railway there will be no more pumping and loosening of the strata?—It depends upon the depth they have to go down to get foundations.

596. But still there might be?—There might be, if they go down deep enough.

Mr. JOHN HAWKSHAW, called in; and Examined.

Mr. *J. Hawkshaw.*

597. *Chairman.*] A QUESTION has been raised in Parliament, which has been referred to this Committee to report specially upon, whether the Thames Embankment is likely to be injuriously affected in any way as a site for public buildings by the construction and action of the Metropolitan District Railway, which, under its Acts, is to be made under the roadway of the new Embankment; have you turned your attention to that point, and, if so, will you favour the Committee with your opinion upon it?—It is a question which depends so much upon various circumstances; for instance, the distance at which it would be proposed to place the public buildings, and the nature of the foundations, that without some information on that point it would be very difficult to give a correct opinion.

598. You say that the effect would depend very much upon the distance of the buildings from the railway, the nature of their foundations, and the foundation of the railway?—Yes; for instance, the depth to which it was proposed to carry the foundations.

599. Not referring then specially at the present moment to this railway and to these buildings, has your attention been directed to the effect of the vibration of railways in other parts?—Yes; it was directed to it very carefully in 1865, when the South Eastern Railway Company proposed to make a railway near the Observatory at Greenwich. At that time a very extensive series of observations was made; I happened to be the engineer of the Bill, and these observations were made by Mr. Stone of the Observatory, and Mr. Mallett, who went over to Ireland and carried on a number of experiments which you will find in the evidence upon that Bill of 1865.

600. Why did they go to Ireland?—They went

went to Ireland because there had been a great deal of conversation about doing away with this vibration by the use of peat, bark, and a variety of things of that sort; therefore they thought they had better go to some of the Irish bogs and make experiments. They went there, and made very careful experiments, and came to certain conclusions as to the distance to which vibration would travel; the result of that was, that Mr. Mallett stated that if they kept about a thousand feet away from the Observatory, it was quite safe. That did not quite satisfy Professor Airey, but they induced him to conclude that if the line were 1,500 feet away it would be safe. We did so move it, and the Bill was passed.

601. Was that portion of the line which was complained of, which caused alarm on the part of Professor Airey, a cutting or a tunnel?—It was a covered way, which passes along the margin of Greenwich Park, just within the boundary of the park. It was proposed to cut it open and cover it over, but we were obliged to remove the line from that site.

602. What was the distance you intended to carry it?—It was then about 1,200 feet. We ultimately compromised the matter by moving it outside the Park to a distance of about 1,800 feet; but this question related to an observatory, and vibration which would be fatal to an observatory would be unimportant with regard to a public building. I do not think vibration which is not sensible to persons in a public building need be noticed. I think if it is not sensible, you may disregard it as regards public buildings, therefore I do not think these observations would have much bearing upon the subject of your inquiry. I merely mention them, to show that at that time I was obliged to pay a good deal of attention to this question.

603. With regard to these Irish experiments, the result was that there was a mode of deadening the possibility of vibration, at least to a great extent, by the application of peat?— Yes, the conclusion arrived at was that peat did deaden the vibration.

604. Did you yourself agree in the result in those conclusions?—Yes.

605. Do you know whether those conclusions have been practically tested anywhere in the construction of railways since that time?—No, I do not. I have understood with reference to the Metropolitan District Railway where it passes Westminster Abbey, that something of the sort, peat or bark, had been recommended to be placed outside the wall; I have heard so, but I do not know whether it was done or not.

606. You have heard that it has been tested?—I have heard that peat or bark was recommended to be placed outside the retaining walls, but whether it has been so placed or not, I do not know.

607. Was any conclusion come to by these Irish experiments as to the duration of the checking powers of peat with regard to vibration; whether as the peat became dry it would lose those powers?—Anything that would do away with its elasticity would no doubt destroy its powers in that respect; the only object of using peat is to get an elastic medium, because it then acts like a spring, and deadens the shocks.

608. As it dried it would lose that to a certain extent?—To a certain extent.

609. So that it might possibly not be a permanent mode of checking vibration?—No.

610. You referred to some documents bearing upon this; where are they?—You will find the evidence in the South Eastern Railway Bill, 1865.

611. In the published evidence?—Yes. Professor Airey gave evidence, and Mr. Stone, Mr. Mallett, myself and others. I think those observations would not have much application here. I think the vibration which would affect an observatory need not be noticed with regard to public buildings.

612. But they would be valuable as to the effect of peat?—Yes, and they would also be valuable in showing the extent to which these vibrations extend when you measure them with instruments.

613. Have you had any experience of the effect of the vibration of this railway or any other railway, upon any building which you yourself have resided in?—Yes; I had occasion a short time ago to stay at the Westminster Palace Hotel, and there the vibration is sensible enough, not on the ground floor, but on the second and the third floor; the vibration is there very sensible.

614. Is the Westminster Palace Hotel near the Metropolitan District Railway?—Very near.

615. Do you know what the distance is?—The railway passes, I should think, within 20 or 30 feet of it.

616. And was the vibration which you felt at the time of the passing of trains?—Yes; at the time of the passing of every train. On the third floor I could feel the passing of every train quite distinctly.

617. To the extent that in course of time a well-constructed building would be injured by such vibration?—That I cannot tell.

618. Is the vibration much stronger now than the vibration caused by a heavy waggon passing along in front of the building?—Of course, in some cases, you feel the vibration of a very heavy waggon to a very considerable extent.

619. You cannot say that it would necessarily damage the building?—No.

620. Or that it would be more felt there than any waggon or omnibus that would pass?—Yes; but, as I say, it is a question of distance. In a conversation with a gentleman who was much interested in this question, who seemed to consider this as very important indeed, I said, "The railway is very close to the hotel." The effect upon the Law Courts I cannot state; I have heard it suggested that they should be placed near the Thames Embankment, and, it would depend on their proximity. I do not think it would be wise to put the Law Courts as near the Metropolitan District Railway as the Westminster Palace Hotel is placed; but I said, "You may test it in another way. There is the Clock Tower of Westminster Abbey; go to the top of that and try the effect." He did go to the top of it and he said there was no vibration whatever.

621. Mr. *Tite.*] A spirit level would show it in a minute?—Yes, but I was only speaking about vibration, which you could feel without instruments, because if you come to instruments, you will feel it at a much greater distance. I think in these experiments, if you refer to them, you will find that the vibration of trains was felt 1,000 feet off.

622. *Chairman.*]

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622. *Chairman.*] I suppose you have been at other hotels in London?—Yes, but I have never been in any hotel near the railway.

623. Irrespective of railways, you have been at other hotels?—Yes.

624. Have you been at the new Charing Cross Hotel? —Yes.

625. Have you felt vibration there, either from carriages or cabs coming into the court, or from the general traffic of the Strand?—No, I have never noticed any vibration in any hotel at all corresponding to this.

626. And you clearly and distinctly trace that vibration, in that hotel, to the passing of the railway trains?—Certainly; there is no doubt about it, because if you get into a room looking on to Tothill-street, you will feel the vibration; in fact you may time the trains in the room without looking for them.

627. Was the same complaint made by others resident in the hotel?—I do not know.

628. It is the case, is it not, that in a letter which was quoted in the House the other day, written, I believe, by Dr. Percy, the person referred to in that letter as having experienced the effects of the vibration, is yourself?—Yes.

629. You had communicated with Dr. Percy on the subject?—It arose upon this very question of the Law Courts: a number of gentlemen were present at the Athæneum Club, and there was a constant discussion going on about the Law Courts being placed on the Thames Embankment. I said then as I say now, that in deciding that question it is necessary to take into consideration how near it is requisite to bring that building to the railway, because of course you cannot go within a certain distance of it without running the risk of a considerable vibration. I do not know at all at what distance it is proposed to put the buildings, but of course it would be wholly unnecessary to place them so near as the Westminster Palace Hotel is. I should say, however, if the Law Courts were as far off the railway as Westminster Abbey now is, they would be safe enough; when I say "safe enough," I mean that they would feel no vibration at all practically.

630. But supposing the necessity of the sites on the Thames Embankment, for public buildings, required that the railway and the buildings should be in juxta-position, and even that the station of the railway should be perhaps incorporated with the Law Courts as part of the building; in that case would you apprehend the possibility of injury to that building from such juxta-position?—Well, I should certainly not advise a building of that character to be placed in such close proximity to a railway over which locomotive engines and trains ran.

631. Should you consider that within a hundred feet it would be safe?—Yes; I do not know exactly the distance from the Clock Tower of Westminster Abbey to the railway, but I should think it would not exceed a hundred feet.

632. Supposing you were responsible for the erection of such a building, and that you had to take care that from this vibration, and from your knowledge of the effect of this vibration, no injury to that building should arise, at what distance would you consider it necessary to place the building, irrespective of any precaution in the construction of the railway?—Well, it depends very much upon the nature of the foundation. It would be almost impossible to give an answer to a question like that without knowing something more of the character of the soil, because vibration will be transmitted much farther in some cases than in others; in some cases it will be transmitted a very short distance.

633. If the ground is suitable?—Yes.

634. It would depend entirely on the nature of the soil?—Yes.

635. Then within certain distances, if the soil is suitable, you think no precautions would be necessary; but supposing it was found that precautions were necessary, do you believe there would be any difficulty in taking such precautions in the construction of the railway?— I am assuming that you place the building at a reasonable distance from the railway.

636. That distance we have not exactly got, but by safe data you come to the reasonable distance?—If you place a building at what I should call a reasonable distance, which of course would have relation to the magnitude of the building; because you may make an experiment on a dwelling-house which you would not like to make with regard to a building which was to cost a million or more, then I think you might do it so that it might not be injured by the railway. It would also depend on the depths of the foundation, because the vibration will pass very nearly in a horizontal plane; that is, it will pass very nearly horizontal in the plane in which the action takes place, so that if you take the foundations deep you, to a certain extent, get rid of the effect of the vibration; but, of course, if you go very deep with the foundations, you also go very deep into expenditure, which is another thing to be considered.

637. Then it might be necessary in constructing a public building on that site, if the site was not large enough for the building to enable you to go at what you call a reasonable distance, to spend more money in laying the foundation of the building than you otherwise would have to do in consequence of the railway being in proximity to it?—Certainly.

638. That would be an expensive process as regards those who construct the building?—Yes.

639. You say that as regards a railway, you have no doubt that the evil could be guarded against by precautionary measures. These measures, I suppose, are those which you referred to as the result of the experiment tried in Ireland on peat and other deadening materials?—Yes.

640. Would those precautionary measures be costly?—It is quite impossible to give an answer to the question, unless one knows the circumstances under which those matters have to be applied. I doubt whether by any precaution you could prevent vibration to a building which is to be placed close to a railway.

641. You are not aware whether in those cases where it has been done it was found to be a costly process?—No, I am not. I do not know any case where it has been done; I am not aware of any case where a building like this has been placed close to a railway, or upon it.

642. Referring to the precautions which were taken at Westminster Abbey to guard against vibration from this very same railway, you do not know whether those precautions were costly? —No.

643. Mr. *Tite.*] Nor what they were?—I heard that peat or bark was recommended.

644. *Chairman.*] Would you believe it possible to construct a railway in this way, so that the works might go on as at present, like any ordinary works, on the understanding that in the event

event of its being found that the vibration was very great, and likely to injure any building, although this deadening substance be applied subsequently, would there be any engineering practical difficulty in that: I suppose that would depend on what the deadening process is, and on the nature of the works; but perhaps you will consider that question?—Yes; but the question seems to have such an extensive application that I should be afraid to give an answer to it.

645. Can you say whether the vibration caused by the train passing is greater where it is in an open cutting, or where it is in a close tunnel?—I do not think it would make any difference. I think the vibration is caused simply by the impact of the train upon the soil.

646. As there are a great many stations in England, there are a great many buildings close to railways; take any great central station where the lines run into each other, some of which have been in work, and the station-houses have been erected for a considerable period of time; are you aware whether, irrespective of the sense of vibration, which may be more or less disagreeable to those residing in the buildings, the buildings themselves have received any injury that can be traced at all to the passing of the trains?—I am not aware of any. I think you might have a considerable amount of vibration, assuming the building was properly constructed, without damage to the building.

647. Still, in the case of a public building, costing many hundreds of thousands of pounds, would you think it advisable that some precautions should be taken if it was found absolutely necessary that the building should be constructed near a railway?—The precaution I should recommend would be to keep it a considerable distance from the railway.

648. And failing the possibility of that, owing to the circumscribed nature of the site, would you think it necessary that some precautions should be taken either by deepening the foundations, or constructing the railway differently to the way in which it would otherwise be constructed?—I think if you do not keep it away from the railway, the only other plan is to go down to a great depth with the foundations.

649. Then, apparently, you would not have much faith either in the effect of these various modes of deadening the vibration, or in the permanent duration of that effect?—No; I think I should have no faith except in one of two things, either keeping the building well away from the railway, or taking the foundations of the building considerably below what I call the plane of vibration.

650. Was it in consequence of coming to that conclusion in 1865, that you thought it better to remove the railway than to trust to any of these various processes?—Certainly, I have no confidence in the peat question myself, and the Duke of Somerset had still less. He was the chief objector to the railway, and he said he would have nothing to do with railways which had to be watched. If a railway could not be made safe, so that it could be left to itself, he would have nothing to say to it; and he did not believe in any cure by peat or bark, or anything of the sort. I take the same view.

651. Mr. *Layard.*] Did you say just now that the distance at which a building would not be affected by vibration is 150 or 100 feet?—I was simply giving that opinion, from what I believe is an ascertained fact, that the Clock Tower of Westminster Abbey is not at all affected. I am guessing at it; but I suppose the distance would be about 100 feet, and I should say at that distance it would be safe enough. I think you might place a public building at that distance.

652. *Chairman.*] Do you believe 50 feet would be sufficient?—I would rather place the Law Courts 100 feet than 50 feet from the railway.

653. I think you said the Westminster Palace Hotel was about 30 feet?—It is very close; I should not think the hotel was above 30 feet from the railway.

654. Is the railway under the hotel?—No; it is under the street.

655. Do you know how deep below the surface the railway is?—I should think 20 feet below the surface.

656. That is, the rail?—I am guessing at it, but I should think the rail was about 20 feet or 25 feet below the surface.

657. Mr. *Dilke.*] Do you happen to know the depth of the foundation of the hotel?—No, I do not.

658. You have no idea at all?—No.

659. Mr. *Tite.*] The Observatory at Greenwich is placed on a denuded knoll of gravel resting on blue clay, therefore the depth of the foundation has nothing to do with the question of the vibration to be derived from the running of a railway train at some distance?—No.

660. It was suggested that if it was tried on a bog which was known to be quaking and shaking, you would have a better experiment for trying it than on a solid bed of gravel resting on blue clay, and that was the reason, I think, why the experiments were made in Ireland?—No; I think there had been various suggestions about using peat, putting the railway on peat, and so on.

661. With regard to this peat, you say it was found that peat was not sufficient?—No; but it was agreed, I think, that peat did reduce the vibration.

662. With regard to the construction of a subway exactly like that you have seen, do you imagine that there is any use in packing peat behind a retaining wall?—No, I cannot say that peat would do any good behind a retaining wall; if peat is to do any good, it must be placed below the railway.

663. And, on the whole, you think that a moderate amount of vibration would not affect the building?—No, I think not; but I would not put peat below the rails; I am not suggesting it.

664. *Chairman.*] You have no faith in peat?—No.

665. Mr. *Tite.*] Putting peat behind a retaining wall you do not think would be of any use?—No.

666. Did you ever happen to sleep in Lowndes-square, on the two-pair floor?—No, I never slept in Lowndes-square.

667. But you slept in your own square; in Eaton-square?—I have slept in Eaton-place for many years.

668. Did you ever experience the effect of a Pickford's waggon coming there at five o'clock in the morning?—From the fact of there being bars Pickford's waggons do not go there; but I have felt vibration from heavy vehicles in other houses.

669. You do not apprehend that that would injure my house in Lowndes-square?—No, I think not.

670. Does the vibration which you have experienced from the passing of heavy omnibuses produce

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produce any sensible effect?—No, I do not think I have been annoyed by the vibration; I have been very much annoyed by the noise.

671. *Chairman.*] You have stated that the vibration at Westminster Palace Hotel, in consequence of the passing of these trains, is greater than you have felt, either in a private house or in any other hotel?—Yes, in the third floor.

672. Did you ever notice it on the first floor?—No.

673. The higher you go, the greater the vibration?—I dare say it would be so.

674. Mr. *Cowper.*] Is there any experience of the permanent results of an underground railway which would justify you in saying that 100 feet would be a safe distance from an underground railway to put a public building?—The only experience I have, is the experiment which was made at the Clock Tower of Westminster Abbey.

675. Is not the disadvantage of that experience that it has existed so short a time that we cannot tell what will be the permanent result of this repeated vibration to a building in the long run?—No; my own opinion, and it can only be an opinion, is, that if you place a building at that distance, and if you take the foundations considerably below the railway, the building would be safe enough; but then, of course, you have the extra expense.

676. Would you not say, also, that in the present state of knowledge and experience on the subject, there are reasons which you at present cannot estimate?—Well, I do not think, at that distance, I should be afraid of it myself. To a bad building vibration is one thing, and to a good building it is another.

677. Mr. *Dilke.*] I think you stated that in the Westminster Palace Hotel the only vibration which was felt at all, was in the upper storey, the third storey?—I think I have felt it on the second floor.

678. But sensibly, on the third floor?—Yes.

679. Have you any idea what height the third floor is from the ground?—I should think about 50 feet.

680. Would this vibration which you apprehend, in speaking of the proposed site of the law courts on the Thames Embankment, be felt on the level at which it is proposed to build the law courts; that is, upon the first floor?—I do not know the level of the Law Courts.

681. *Chairman.*] It would be above the level of the Strand?—The level of the Strand would be considerably above the level of the railway.

682. Mr. *Dilke.*] From 30 to 40 feet above, would it not?—I suppose the level of the Strand would be 40 or 50 feet from the level of the railway.

683. Do you think the vibration would be sensibly felt at that height?—Supposing the law courts to be 40 feet from the level of the railway, and supposing you were to bring the floor of the Law Courts close to the railway, there is no doubt it would be felt; but if you bring them within 100 feet, I do not think the vibration would be sensibly felt.

684. *Chairman.*] On that principle, are you aware whether at the top of the hotel itself it is even more felt than on the second and the third floor?—I am not aware of it, but I should expect it would be so.

685. The higher the building the greater the vibration at the top?—From the circumstance that we do not feel it on the ground floor, and that we do feel it on the second and third floor, and more on the third floor than on the second, I should suppose it would be more felt as you go higher up.

686. So that if that theory holds, and these law courts were constructed with high floors, if there is any vibration at all, upon that principle it would be more felt on the top floor than on the level of the court?—Yes.

687. Mr. *Cowper.*] And it would follow that the higher the building the more the vibration?—Yes; but it is an intricate question; there is another element with regard to it. I believe the vibration of a very light building would be considerably more than that of a heavy one. If the structure is very heavy, you will not get such an amount of vibration as you would with a light structure.

688. Lord *John Manners.*] The hotel of which you have been speaking is a considerable building, is it not?—Yes; but it is not a building of the character that the Law Courts would be. I think it is very probable that the foundations of that building are on nearly the same level as the railway.

689. Do I understand you to say, that if you were responsible for placing the Law Courts on the Embankment, you would think it wise to take care that they should not be placed at a distance of less than a hundred feet from the underground railway?—I should, certainly, if I had anything to do with them, like them to be at that distance from the railway.

690. Mr. *Dilke.*] When you speak of the distance from the first floor, do you call the first floor that which is practically the first floor; because when you find yourself at the door of the hotel and go up the steps, you are at a considerable height from the street?—I call the coffee-room floor the first floor; and in the coffee room I have not perceived it at all.

691. Do you know the rooms that Sir George Cartier, the Canadian delegate, is now occupying?—No; but I think the room I felt it in most sensibly was 135.

692. Facing on Victoria-street?—No; it was on the Tothill-street side.

693. Mr. *Layard.*] Supposing it was desired to put the Law Courts on the Embankment, do you think that 50 feet distance from the railway would be a serious objection: I mean taking into consideration the object to which the Law Courts are to be applied, do you think a distance of 50 feet would be too little?—I think that, supposing there is any objection to placing them at more than 50 feet distance for the purpose of space, and so on, you might get rid of the greater proximity by going to a greater depth in the foundation. My own impression is that, assuming this table to represent the level of the rails, it represents what I call the plane of vibration; and, I think, if you put your foundations considerably below that you would not get upon the plane of vibration; so that, if it went in within 50 feet of the railway, I am not prepared to say that it would not be quite safe.

694. I think you stated that the vibration would not injure the building?—Such a vibration as I am contemplating might not.

695. Therefore, the practical effect of the vibration would be simply the discomfort or inconvenience which it would occasion in a court of law?—I do not think it would be a satisfactory thing

thing, in a building of that character, to find it trembling and shaking under you.

696. Mr. *Cowper.*] Are you able to say that if this large building were placed at 50 feet from the railway, that in the course of a considerable number of years the vibration produced would not endanger the structure of the building?—I think it would depend upon the depth to which you carried the foundations.

697. In fact, there is not at present knowledge enough to enable you to speak positively on the subject?—I think if the foundations were deep enough the vibration would not effect the building.

698. Mr. *Tite.*] And you take into consideration the character of the foundations; supposing, for instance, they went through blue clay?—When I am speaking of the foundations I mean the walls; if you carried the walls to a considerable depth I think the building would be safe.

699. *Chairman.*] From the nature of the soil there, would it be necessary to go very deep for the foundation?—Yes. I have had some experience in buildings on that shore, and I find that the foundations, in coming from the Strand, get worse as you come to the river.

700. This would be on the reclaimed land, the foreshore, practically?—Yes; and that would be a very serious point for consideration, when you come to decide about the Law Courts. The nearer you go to the river the more expensive the building will be. For instance, with regard to the Charing Cross station foundations, we got a pretty good foundation near to the surface, at the Strand side, but it got worse the nearer we got to the river.

701. So that, irrespective of the railway, if the building is to be constructed within 100 feet or 50 feet of the present roadway, you would have to go very deep for foundations, and perhaps as deep or deeper than you would if it was a mere question of correcting this vibration?—Yes. I think you could not decide the question of building the Law Courts near the river until you have gone into that question, and ascertained exactly how much you would have to expend in getting the foundations adjacent to the river. I should expect to find it a considerable expense.

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702. You have stated that the extent to which the railway would affect the durability of the building as a matter of vibration is questionable; but do you think such vibration is as likely to be caused by the railway at 50 or 100 feet, would injuriously affect very delicate specimens of entomology of a friable nature, insects and so forth, if a building erected on such ground was to be a museum?—Always assuming the building were to be properly constructed; that is, that the foundations were laid at a sufficient depth, and carried below what I call the plane of vibration, I should not expect that it would.

703. Mr. *Gregory.*] I think we may take for granted that the result of your evidence is this; that both safety and convenience may be attained by sinking the foundation to a considerable depth, and under any circumstances whatever, a considerable depth of foundation would be necessary in building law courts on the Thames Embankment?—Yes.

704. Mr. *Cowper.*] I presume there is a mode of propelling trains without an engine, which might affect the question of vibration?—Yes; if the trains were propelled without locomotives, that would get rid of a great portion of the vibration.

705. Mr. *Tite.*] I suppose also that in the arrangements of the Law Courts, I mean the mere planning, if the Law Courts happened to be placed at some distance within the front line of the building, with an interval between the courts themselves and the façade of the building, the effect upon the courts would be less than if they were brought up to the main wall without any interval of that kind?—Yes.

706. All those matters of course would have to be considered?—Yes; it is impossible to give an opinion upon that subject, unless you have the plans of the law courts before you.

707. Mr. *Gregory.*] In fact offices might be placed there which would not be affected by the vibration, if the vibration existed?—Of course light buildings feel vibration more than heavy ones, and you would not place a tower close to a railway.

Dr. Percy, called in; and Examined.

Dr. *Percy.*

708. *Chairman.*] I QUOTED a letter signed with the letter Y., and I stated in the House that it was generally believed that you were the writer of that letter; was I right in that statement?—That is a question which I feel it optional in me to answer or not; but as I never write anything to which I should not be prepared to affix my name, I have no hesitation in saying that I did write that letter.

709. In that letter you call attention to the possible evil effects on public buildings, especially in the Thames Embankment, of the Metropolitan District, and other railways?—If you will allow me to state why I wrote that letter, I will do so in two or three words. Of course I have heard a great deal of discussion about the site of the law courts, and I have heard many opinions expressed with regard to the existence of vibration; some contending that vibration would injuriously affect them, and others holding a contrary opinion, and believing that a great deal of valuable information of a practical character might now be got, I suggested in that letter that inquiries should be made, and such information obtained. That was the sole object I had in writing that letter.

710. You said you wrote that letter in consequence of a difference of opinion which prevailed upon the subject; have you yourself had any experience of this vibration?—No, none whatever.

711. Was your letter simply written to elicit the information of what theoretically would be the effect?—Solely with the object of eliciting, not information so much as opinion.

712. You have no confirmed opinion yourself upon the subject?—None whatever; I have no practical knowledge of it.

713. You have had no experience of it in the Westminster Palace Hotel?—None.

714. Or in the Houses of Parliament here?—No, none.

715. Have you any experience in the Clock Tower?—I have not made any observations at all, and it would be hardly fair to do so, because the speed

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speed of the engine slackens very much long before it reaches the Clock Tower; therefore it would be hardly fair to make an experiment there at present.

716. Have you any experience in the vibration of the Clock Tower here?—No.

717. There the trains are slower?—Yes, the speed is very much slackened before the train reaches the Clock Tower.

718. Have you any experience of the vibration in the clock tower of Westminster Abbey, to which it appears Mr. Hawkshaw's evidence referred?—None whatever.

719. Generally, do you agree with the evidence given by Mr. Hawkshaw?—I did not hear the whole of it; and I really should not presume to state my opinion, which is worthless on the point, because it is not a question to which I have devoted particular attention, and it is not one upon which I should venture to express any opinion.

720. Then all you wish to speak is, that in your opinion it is a question of sufficient importance, not only to justify but to call for inquiry, and that the evidence of practical men, such as Mr. Hawkshaw and others, should be heard upon it?—I should be very much disposed to recommend, also, that the evidence of persons living near the railway should be taken.

721. The owner of the Westminster Palace Hotel, perhaps?—Especially where the railway intersects a street. Take, for instance, Inverness-terrace, Bayswater, and let inquiry be made of persons who inhabit the houses adjoining the railway; then you will get some evidence, if I am not mistaken, especially in places where the railway intersects the street at right angles.

722. You have said, that what would be practicable and useful would be the evidence of persons having houses near the railway?—Yes.

723. Could you give the Committee the names of any such persons?—I do not know any names, but I have heard statements of that kind.

724. Where?—I will take Inverness-terrace as a good example; yesterday I was informed that there were several serious complaints there.

725. Any other?—Well, all about Praed-street, for example. I hear statements which I cannot believe in positively, because they are simply those vague statements which float about.

726. Are you aware, from what you have heard, whether those statements go simply to the inconvenience of living in such a house, or to injury to the building and its foundations?—Simply inconvenience, so far as I have heard.

727. Do you yourself believe, from what you have heard, that generally this would resolve itself into a question of inconvenience rather than of injury?—I think so chiefly, unless there might be a cellar of good wine, and the house might be disturbed in consequence of vibration in such a way as to spoil the wine; I know that has been caused more than once.

728. Do you think delicate specimens of natural history in museums might suffer?—No, I do not think that they would, much.

729. Mr. *Layard.*] Have you experience of the effects of vibration in any part of this house?—Not any whatever.

730. You would not know that there was a railway within a short distance?—No, I should not.

731. Do you know at what distance from this spot the railway runs?—About 100 feet.

732. You say that at the Clock Tower the speed is slackened, so that it would be no test as regards this house?—No. I may mention that my colleague, Mr. Warrington Smyth, who has had great experience in underground operations, lives in Victoria-street, not very far from the railway, and on the opposite side to the railway. He says at first he felt no inconvenience, but now the vibration is becoming more and more sensible, until at length the windows begin to shake. He is proposing to leave in consequence now, and he is a witness who, I think, might give you some valuable information upon the subject.

733. You consider that, wholly irrespective of this question of public buildings, private comfort, and the value, consequently, of private buildings, is diminishing, on account of the vibration caused by this underground railway?—I should not be myself disposed to take a house where I was subjected to vibration of that kind; and I have heard of a great many people who entertain the same opinion; but still it is one of those things to which people become in the course of time habituated, no doubt.

Mr. Charles Hutton Gregory, called in; and Examined.

Mr. *C. H. Gregory.*

734. You have been in the room during the examination of Mr. Hawkshaw and Dr. Percy, I think?—Yes.

735. I should like to ask you, as an engineer, whether you generally agree with the views expressed by Mr. Hawkshaw?—I could not hear all that Mr. Hawkshaw said, but I did not agree with some opinions that I heard fall from him.

736. What are the points, mainly, on which you differ with him?—My impression is, that Mr. Hawkshaw over-estimates the evils which vibration may cause to structures, whether public or private, and also the inconvenience of it.

737. Have you yourself recently directed your attention specially to this question of vibration?—Not recently; I think it was in the year 1864 that I was called in by the Corporation of the Inner and Middle Temple with reference to the works of the Metropolitan Railway; they were apprehensive of structural injury to their buildings.

738. Was that when the Bill was before Parliament?—When the Railway Bill was before Parliament they were going to oppose it, because they were apprehensive of structural injury to their buildings, and of great inconvenience, as well as interference with the amenities of the property generally. I was instructed by them to consider the subject, which I did then very carefully.

739. What was the result of your inquiries at that time?—The result was, that they were not likely to be seriously inconvenienced, and that even the amenities of their property would not be interfered with.

740. What inquiries did you enter into?—In the first place, I had lived for many years in a house within 12 feet of a railway, close by an open

open cutting, and had my own experience of the vibration.

741. In London?—At Sydenham; and also I had made, as an engineer, certain observations in and about railways, with this object. At the time of this inquiry for the Temple, I made it my duty to inquire what was the effect of the running of trains on the Metropolitan Railway. I may state, with regard to the house in which I lived, that it was not a very well-built house, and not a large one, and that during the day-time we scarcely felt any inconvenience from the vibration.

742. What was the distance from the railway?—There was a road of about 12 feet between the wall of the house and the retaining wall which was the boundary of the line, the railway being in cutting, a cutting of about 12 feet in depth; of course we could hear the trains during the day, but the only time when the passage of trains caused any annoyance was during the night. I used often to be awoke by the passing of a very heavy goods train.

743. Mr. *Layard.*] That was, I suppose, by the noise, not by the vibration?—It is rather difficult to say, when you hear a noise and feel a movement, how much of the effect produced upon you may be caused by the noise, and how much by the vibration.

744. *Chairman.*] The goods trains are heavier trains than those which run in the day?—They were heavier trains, and they ran at a high speed, and therefore cause greater vibration. But this was in an open cutting, and with regard to noise, it is evident that the amount of annoyance must be very much less in a close covered way than in an open cutting; my belief is that the vibration is less, because part of the vibration is due to the movement of the air.

745. You believe that the effect on a railway that is covered would be less than it would be upon a railway in an open cutting?—Yes, I think so.

746. Even if a building were immediately over it?—If it were very close to it. I am speaking, not of the effect upon the structure of any neighbouring building, so much as the effect upon the comfort and convenience of the occupiers of that building.

747. As regards the effect on the structure of your building, have you perceived in the course of years any appreciable effects whatever?—None. The house to which I alluded was a badly built house, and its structure was not affected.

748. Are you still inhabiting that house?—No, I have not lived there for some years.

749. How long did you inhabit it?—For 10 or 12 years, I think

750. And you found no sensible effect caused by the railway upon the building itself?—No.

751. Did windows rattle which had previously not rattled?—Sometimes a very heavy train would make the windows rattle, but there was no sensible difference during the time I lived there.

752. Have you heard complaints from private persons in London of their property being injured, or their convenience and comfort being interfered with by the proximity of railways?—I have heard of such complaints, but I have not met with the individuals who have made them. Will you allow me to make one observation with regard to the structural effect of the vibration of trains upon neighbouring buildings? It will be obvious to the Committee that the case in which the vibration of a railway train would most affect a neighbouring structure would be where the walls have been brought in actual contact, therefore I think some of your Lordship's questions rather lead to the conclusion to which I am anxious to direct the Committee's attention. If you find that railway structures themselves, built, as they very often are, on very bad bottoms, are not affected by the vibration of trains to any great extent, *a fortiori*, a building properly constructed that is not in immediate contact with those railways will not be seriously affected. If any structure is likely to be affected by the vibration of trains if built at a distance of 30 or 40 feet, I should like to know what the effect of this vibration would be on viaducts more than 100 feet high. I remember attention being called to a viaduct of my own, which had been built in a very cheap manner. The engineer was very much afraid, from the great amount of vibration which he felt upon this viaduct, that structural injury might result. I went and sat on the parapet, and found that the amount of vibration was rather alarming. That was an extreme case, and it was watched for some time, but no evil effect arose. I did, at least, seeing that there was a very great amount of vibration, order the ordinary ballast to be removed, and sand ballast to be put in its place.

753. Did you find that that diminished the vibration?—Considerably; I think sand is one of the best buffers you can have.

754. Therefore, in the construction of any railway, either to avoid the inconvenience and discomfort to private persons who live near the railway, or to avoid the possibility of injury to a public building, it might be desirable to have sand as ballast, instead of other ballast, for the construction of such railway?—When it appears that any inconvenience will arise, I believe the inconvenience would be diminished. I believe that the cases where serious inconvenience would arise would be very few.

755. That is irrespective of whether inconvenience would or would not arise; but supposing it were assumed that it might, you think it would be obviated in a great measure by the use of sand?—Yes, I think it would diminish the amount of vibration.

756. Would the use of sand in the construction of such a line as the Metropolitan Railway add greatly to the expense?—It would add materially to the expense, I should think, for this reason, that they get their gravel *in situ*. There is a large quantity of gravel to be found in the land which they pass through, and they might have to draw the sand ballast from a considerable distance.

757. If the gravel were finely screened, it would be better than putting coarse gravel?—I was going to say that screened gravel, or gravel itself, is so near in its consistency to sand, that while the broken stone ballast might be so consolidated, as to become an undesirable medium, comparatively speaking, gravel ballast in itself is a very good medium for preventing the transmission of vibration.

758. What was the nature of the ballast for which you substituted sand in the case referred to?—Broken stone.

759. And the result was sensibly to diminish the vibration?—Yes.

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760. Has that work which you erected subsequently stood well?—To the best of my knowledge. I have heard no complaint of failure. Will your Lordship allow me to add a few words with regard to individual experience? Mr. Hawkshaw has given some individual experience as regards the Westminster Palace Hotel. He stated, as I understood, that inconvenience and annoyance had been felt in one of the upper stories of that hotel. Now, it has been my lot very frequently to sit upon arbitrations in the back rooms of that hotel, which I believe are very close to the line of railway; and although I have sometimes been disturbed by the passage of waggons in the street, I do not remember ever noticing the presence of a railway. I may name, again, another case of personal experience. I very often walk through Park-crescent, under which the Metropolitan Railway passes, and I think that two of the houses in Park-crescent are built over the railway. I have often stopped there for several minutes, to see whether I could notice, by any sense, the passing of trains; but I have not been able to do so. Also, in passing along the New Road, I have often, as a matter of curiosity, endeavoured to notice whether I could perceive the passing of the trains of the Metropolitan Railway; and the noise and movement of the vehicles in the road have, perhaps, prevented my observing the passage of trains by the railway. I can quite understand that nervous people, and ladies, especially at night, might suffer considerable inconvenience from what, in itself, may be a comparatively small amount of vibration; but I think, with regard to public buildings, no special precautions would be necessary.

761. You think that though the nervous temperament of a human being might suffer, the constitution of a public building would not suffer by any vibration likely to be caused by a railway on the Thames Embankment?—I think not.

762. You do not think that for the sake of the constitution of such buildings it would be necescesary, as Mr. Hawkshaw has said, to build them at 50 or 100 feet from the railway without taking express precautions with reference to their foundation?—I should not be the least afraid of erecting such buildings 20 feet off the railway, and I should believe from what I have seen of the soil on the foreshore of the river, that any public building erected very close to the railway would, for its own stability sake, require very deep foundations.

763. Mr. Hawkshaw gave that evidence, and you agree in that view?—I agree in that view; that for the stability of any large public building it would require foundations as deep as the railway itself along the foreshore of the River Thames.

764. In erecting your stations along lines, especially where there has been a great deal of through traffic, have you found it necessary, with a view to the permanence and solidity of those buildings, to make the foundations deeper than you would in constructing ordinary houses?—No, I should say certainly not; one form of station which I have frequently used is with a booking office over a railway, and I have never found that those buildings which were carried on piers or abutment walls, similar and adjoining to the abutments of a bridge with a railway running immediately underneath were subjected to any peculiar depreciation.

765. Are the railway stations, houses, and buildings, generally on solid or upon made ground?—Generally on solid ground. If they are on made ground special provisions would be made by piling or concrete.

766. Would the erection of those buildings which would necessarily be on made ground necessitate deeper foundations?—I should think with regard to any public building on the Thames Embankment it would be wise, entirely irrespective of the railway, to go down to a material which would be below the bottom of the railway structure itself.

767. And it might also be wise, perhaps, having regard to this question, to see that the ballast used is of the description which would be most likely to obviate vibration?—Well, I do not think that the amount of vibration would be such in any public building near a railway as to require any special provision as regards ballast.

768. But that, if necessary, you think would be the best way of meeting the vibration in preference to what has been tried or experimented on with regard to the use of peat as a deadener of vibration?—I have no experience with regard to the use of peat, therefore, perhaps it would not be fair for me to give any very decided opinion upon it; but I think the use of peat has certain objections, I believe it would work up into the ballast very soon, and get mixed with the ballast. Ballast has a habit of incorporating itself with any earth which is below it. When you have got ballast on a clay bottom, the clay and the ballast get mixed, and so I believe the peat and the ballast would get mixed.

769. What would be the effect of the mixture?—It would make bad dirty ballast, and it would lose its deadening effect.

770. So that, supposing this peat were effective this year, you have no security that it would be as effective 10 years hence?—Yes. Then again, if put behind the side walls, it would be put in a place which is rather inconsistent with engineering rules, because we generally like behind such walls to have a dry and strong material.

771. In fact, the peat eventually would be no support at all?—No, I should think not: it would be drying and shrinking, and there would be no backing to the wall.

772. Mr. *Layard.*] May I ask whether you are professionally connected with the Metropolitan District Railway?—Not in any way, and in the evidence which I gave the other day before a Committee of this House, which I see was alluded to in the House, I was called as a witness against the Metropolitan Railway with a view of getting a protective clause for the Metropolitan Board of Works, so that I was in no way favourably influenced towards the company at the time that evidence was given.

773. *Chairman.*] A protective clause as to what?—As to the application of certain money to the carrying on of the railway along the line of the Thames Embankment, the Metropolitan Board of Works being anxious to get the railway finished, so that they might complete their works on the Embankment.

774. Mr. *Layard.*] Then, in your opinion, the question of placing the Law Courts on the Thames Embankment would not be affected by the existence of the Underground Railway on the Embankment?—No, it would not.

775. Not in any way?—No, I think not. I confess, as far as my present knowledge goes, I should

should not advise the Committee that there ought to be any special restrictions.

776. Are you aware that, in the Act of the Metropolitan District Railway, a clause was inserted for the protection of Westminster Abbey?—I have heard so.

777. You had nothing to do with that clause?—I had nothing whatever to do with it. I believe Mr. Bidder advised the Dean and Chapter.

778. Lord *John Manners.*] I think you said you did not hear all Mr. Hawkshaw's evidence?—I did not hear all, because I was sitting behind.

779. Are you quite sure you heard him say that, in his opinion, there might or would be structural damage to any public building that would be placed within 30 or 40 feet of the railway?—I did not hear exactly the distinctions which he drew between structural damage and inconvenience.

780. I think, in almost the first answer to the noble Chairman, you said you wished to combat that view of Mr. Hawkshaw's; but supposing he never stated that view, you withdraw that observation?—Certainly.

781. Therefore, perhaps, it will be convenient to confine ourselves to the other view of the case namely, the inconvenience and annoyance which might be experienced by those who have to transact business in a building placed in immediate proximity to the Metropolitan Railway?—I thought it had reference to structural injury as well as inconvenience.

782. You said you lived some time at Sydenham, and you perceived no inconvenience or annoyance in the daytime from the trains, although you did at night?—Yes.

783. Is it possible that you were more in the habit of being in your house at night than in the daytime?—Yes, undoubtedly; but I was generally at home on Sunday, and then, if my family had been inconvenienced, I should have been aware of it, and I should not have concealed that fact from the Committee.

784. With respect to these two houses in Park-crescent, you have said that you stood near them, but I did not gather that you had been in them?—No, I have not.

785. Would not the experiment have been more satisfactory if you had entered into those houses, and been able to give us the result of your experience?—If I had been advised that this Committee would have done me the honour of calling me, and had known upon what subject, I might have done so; but I came here quite unprepared, and have not lately directed my attention to the subject. I shall be most happy to make further investigations if the Committee desire me to do so.

786. I have no wish for you to do so; I was only considering whether the evidence of a gentleman who stationed himself outside the houses was really worth much?—I do not mean to value my evidence at all, but I beg to observe that it was not I who tendered it.

787. Now, with respect to the foundation; I think you agree with Mr. Hawkshaw, that if it is decided to place such a building as the Law Courts on the Embankment, it will be absolutely requisite to go very deep for the foundations?—Yes; because of the nature of the ground, but not because of the proximity of the railway.

788. Can you give the Committee any idea of what the difference of the foundation would be between the Carey-street site and the Thames Embankment site?—No.

789. You have not studied that question sufficiently?—I have not.

790. You stated that if the Law Courts are to be placed on the Thames Embankment, you have no doubt the foundations must be very deep and therefore expensive?—Where they are near the foreshore of the river; I happen to know that, because I have seen the geological sections which Mr. Bazalgette, the engineer of the Metropolitan Board of Works, has, which were taken from actual borings along the line.

791. Mr. *Gregory.*] The southern foundations are what you alone allude to?—I allude only to the southern foundation.

792. *Chairman.*] Do you suppose that the original foundation of Somerset House was solid ground, or that any portion of it was made ground?—I have no idea; I never examined it.

793. Mr. *Layard.*] Would there be any difference between the soil beneath Somerset House and beneath any building that might be erected between Somerset House and the Temple?—I cannot say; I would rather you asked Mr. Bazalgette about those foundations, because he has got the actual facts.

794 Lord *John Manners.*] With respect to ordinary stations that are built close to railways, do they ordinarily carry much superstructure?—It varies very much; in many cases they do not; in many cases there may be only the single floor, but I think the usage generally is to have a resident officer in small stations over the booking office, and many stations have large buildings, and some a hotel built as part and parcel of the station.

795. Then, would your observation apply more to those comparatively low structures than to large and lofty structures?—It applies to all those that I have observed, and as I think I explained to the Committee, it applies to certain stations which I have myself built, which have been part and parcel of the structure of the railway, and built upon the very walls which carry an adjoining bridge.

796. Are those particular stations to which you refer structures carrying hotels, or are they the ordinary railway stations?—Merely the ordinary railway stations.

797. Not above two storeys in height?—No; but then the illustration which I gave of the viaduct is a far stronger illustration than any house, because I am not aware of any house which reaches the height of a railway viaduct.

798. I conclude that nobody lives on the top or in the viaduct?—No; but I am speaking of structural safety.

799. Mr. *Layard.*] There are many instances of railways, particularly in the metropolis, passing under other railways; have you had any reason to believe that in any such case a viaduct has been injured?—I have no knowledge of the tunnels which run under one another, but I think certainly, if completed with the care with which the works of the metropolitan railways have been completed, any danger would be anticipated and prevented.

800. There are constant cases in the neighbourhood of London of railways passing under viaducts?—Many.

801. Upon which are railways?—Yes.

802. Have you ever heard of any case of a railway so passing under a viaduct injuring that viaduct?—None whatever; I have constructed such works myself, and have never made any special arrangements because there was a railway underneath instead of a road.

Mr. James Fergusson, called in; and Examined.

Mr. *J. Fergusson.*

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803. *Chairman.*] I believe you are now acting as Secretary to the Office of Works?—Yes.

804. Mr. *Layard.*] I think that, in company with Mr. Scott, you ascended one of the towers of Westminster Abbey with the view of ascertaining whether the passage of trains had any effect upon the building?—I did; I went with Mr. Scott and his son, and the clerk of the works; there were four of us altogether who went up. It was suggested to me by Mr. Hawkshaw that if there was any vibration it would be felt there, and therefore we went up one evening, and watched the trains coming into the tunnel, so that we were aware that trains were passing, and we observed as carefully as we could whether any effect took place, but we could not detect any vibration whatever. We all four placed ourselves in different positions on purpose to detect the vibration if there was any, but none of us observed any vibration.

805. Then you have no reason to believe that the passage of trains underground is likely to have any effect on the abbey?—Not upon the abbey.

806. Have you inquired whether the absence of vibration is owing to any precautions taken in the construction of the railway, and whether vibration would exist if there were not such precautions?—I have no personal knowledge of the matter, but I have been told that when the railway was made past the Abbey, great precautions were taken by stuffing in peat alongside the tunnel, and attending to various other suggestions. It was supposed that the effect, if there was any, would thereby be neutralised, but how far those precautions were effective, of course, I have no means of knowing.

807. Can you tell us the distance of the tower from the railway?—About 90 feet, I believe.

808. And you could perceive no vibration?—None.

809. Lord *John Manners.*] Do you happen to know how long the railway has been open for traffic?—About six months, I think.

810. Mr. *Layard.*] Did you measure the distance between the towers and the railway?—No, I did not, there are no means on the surface of doing so; but I measured it on the plan which was deposited, and I cannot, of course, inform you what exact position the centre line of the railway occupies within the limits of deviation.

811. *Chairman.*] You have not specially turned your attention to the question of the vibration of buildings, I suppose?—I have no personal experience.

812. As an architect, and knowing the site, which I presume you do, of the Thames Embankment, which has been spoken of for the Law Courts, any building which is erected near the line where it is assumed that the southern line of that building would come, would have to go very deep for its foundations in any case, irrespective of the railway, would it not?—It is so, I believe.

813. And without having turned your attention specially to the subject of vibration, I suppose you are prepared to state that that would necessarily depend more or less upon the solidity of the building, and the solidity of the building depends more or less on the depth and strength of its foundations?—Certainly. I do not suppose that the railway passing in front of it, if properly constructed, would be otherwise than a slight inconvenience to people occupying such a building. I do not suppose it would affect the solidity of the building in any way if the necessary precautions were taken; but if used as a habitation, it would be probably inconvenient.

814. The same inconvenience which people are subjected to in a street, with a crowded thoroughfare, with heavy waggons passing?—Certainly.

815. Which affects some people more than others?—Yes.

816. As organs affect some people more than others?—Quite so.

Mr. William Bridges Adams, called in; and Examined.

Mr. *W. B. Adams.*

817. I believe you are a Civil Engineer?—I am.

818. Before coming into this room I believe you have had your attention called to this question of the vibration of railways, and their effect upon buildings?—Yes.

819. Have you heard the evidence which has been given?—I have.

820. Do you agree, generally, with Mr. Hawkshaw, in his view?—I did not catch all his views; but I take it that the question is this, beneath the course of the Thames Embankment you have various strata, as sand, gravel, earth, water, and peat superincumbent on solid blue clay. If a building on the site of it be placed on the solid blue clay, it will not be affected by the vibration which takes place in the plastic material on which the railway will be constructed; of course the buildings will be subject to the noise. It is a known thing on railways that, where they run through or over bogs, the permanent way does not get destroyed in the same proportion as it does on solid ground If we could have the knowledge of what takes place, we should probably find that the blows instead of taking place upwards take place downwards, and are dispersed through the floating mass.

821. In this case the foundations of any buildings which would have to be constructed would have to go down very deep?—They would have to go to the solid foundation of the blue clay.

822. And the probability is that that would be considerably below the surface of the earth?—Very probably; and it would have the better effect if it were so. I have had some experience in various ways. Many years ago I resided in Chilé, and there was a vibration there of a very remarkable kind, an earthquake; the strongest vibration we know of. In a district near Valparaiso, called the Almendral, the ground is alluvial, and the buildings thereon, of one storey, formed of solid massy bricks, were all shaken down. The churches, which stood on solid ground, on the hill sides, were not shaken down. Therefore, I came to the conclusion that the under surface was moved with the foundations, and left the top to fall.

823. You have heard it stated by Mr. Gregory, that

that by the use of sand as ballast, instead of broken stone, the vibration is greatly checked, and that in one case he had resort to it; do you believe that something of that kind would be advantageous here?—The more solid you construct a railway, the less will be the vibration down below, and the greater will be the wear and tear upon the rolling stock. If you could make, for instance, a floating stratum of timber, 10 or 12 feet thick, perfectly solid all through, you would have no vibration at all beyond the timber. I had chambers in the Adelphi for some 15 years, on one of the upper floors, and the result of a coal waggon, weighing about 5½ to six tons, passing by my chambers was that it shook the glasses on the table; I found it a great annoyance.

824. Where was the coal waggon passing?—Up towards the Strand, from the lower part opposite Southampton-street; the vibration was so great that I was obliged, when I was writing, to put down my pen; but those houses have been built for a great number of years, and I have no doubt that they were built not on the solid ground, but that they all, as it were, float together. In the third floor of the Society of Arts' house, this fact may at any time be tested by putting a coal waggon in motion on the road below it leading to Durham-street

825. Do you apprehend that there would be any structural injury which this railway is likely to cause to public buildings, erected, say, within 50 feet of it?—It depends upon how they are erected; if they are carried down to the blue clay, they would not be affected, and if the railway were carried down to the blue clay it would not be affected; but if the buildings and railway were put on the same floating foundation, they would all vibrate together.

826. You are in no way connected with his railway?—Not the slightest.

827. Speaking simply as an engineer upon this point, are you of opinion that it would be necessary to take any precaution with reference to the construction of this railway to guard against injury to public buildings?—I think it would be desirable to take precautions to diminish the noise and vibration as much as possible.

828. Have you any definite plan which you think would effect that?—No; I am not now advocating any particular plan, but generally that the structure might be made much stronger than it is. It is a very good structure as at present made for ordinary circumstances; but there must be vibration, as anyone who travels by the trains must feel. There is one difficulty which it has to contend with, namely, that the railway being underground, the rails are more or less wet; therefore a heavier engine is used to obtain adhesion.

829. Possibly, if public buildings were erected there, there might be an understanding that in passing that part the speed should be lessened?—Undoubtedly.

830. Because, I suppose, the extent of vibration depends on the rate of speed?—Certainly; and therefore the evidence given as to the non-vibration at the summit of the clock tower goes for nothing, as the Westminster Bridge station is at present a mere terminus, with the slowest possible motion over the rails; and the clock tower goes down into the blue clay.

831. On the Metropolitan Railway, we know there is great passenger traffic; is there much goods' traffic upon it?—I am not aware that there is any goods' traffic at all; but the trains are very heavy.

832. If the speed was diminished, of course there would be less vibration?—Yes, of course. The advantage a railway has over a stone road is that it has a less irregular surface, therefore that takes off much of the difficulty which would be otherwise experienced.

833. Mr. *Layard.*] There is no doubt that means could be taken to prevent any such vibration, either by using different locomotives, or by some structural change in the railway itself, I presume?—I think so. I think we are very far from having culminated yet, in all that we have to do with railways.

834. *Chairman.*] Are you a believer in peat?—Peat, if it acts at all, can only act as a sponge, and that depends on the water that is in it; if you squeeze the water out, it becomes a solid body.

835. So that peat, which might be of use in 1869, might be of no use whatever in 1879?—Certainly. Peat, with water in it, is not an elastic, but only a plastic substance; ceasing to be plastic by the abstraction of the water, it becomes a salid, and is thus prepared as fuel for manufacturing purposes.

836. Lord *John Manners.*] How long would you give peat to be an effective agent?—It would depend on the water that was enclosed in it. If that got away, the peat would squeeze down solid.

837. From what we heard from the last witness, it seems that peat was applied to the Underground Railway passing Westminster Abbey, with a view of deadening vibration; that railway has been open some six months; do you imagine that peat might have retained its virtue during that period without giving any indication of its not continuing to do so for the future?—Possibly. The process of train hammering is to solidify; it is like ramming under a steam-hammer.

838. The traffic upon this underground railway you have stated to be unusually large?—Not unusually large between Victoria and Westminster Bridge at present; but the trains are unusually heavy; the engines must be heavier than other engines, because they have the difficulty to contend with of slippery rails, from the moisture in the tunnels.

839. If the speed of the trains that are to pass by Somerset House, or any great public building placed just beyond Somerset House, has to be slackened in order to prevent this vibration, would that continued slackening exist over so large a space between two stations as to interfere with the legitimate traffic, and therefore the profits of the company?—Of course the advantage to the public is to be carried as quick as they can, with as little delay as possible.

840. All along the Thames Embankment will not the Underground Railway have a very severe and active competition to encounter from the cheap steamboats?—I suppose it will. It will be a question of cost and of speed. The railway will be the quickest, but the least pleasant.

841. Therefore, will it not be a question for the consideration of the railway company whether they really can, with due regard to their own interests, engage to slacken the speed of the train along the whole length from Somerset House to the Temple?—I should say they had better

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better try to improve their rolling stock rather than slacken their speed.

842. *Chairman.*] What is the distance from Westminster Bridge to Blackfriars Bridge?—I should suppose about a mile.

843. What is their present rate of travelling?—I should suppose at present, from Victoria station down to Westminster, it cannot be more than 10 to 12 miles an hour, exclusive of stoppages; but I am only guessing at it.

844. You do not know how many stations they will have, and what speed they propose to travel?—No; but the nearer the stations are together the greater the speed they will try to make up between the stations. Stopping trains commonly travel faster, at intervals, than express trains.

845. What speed do you think they could get up?—They could not get up a very great speed in any case. Time is wasted in starting and stopping, and much depends on the structure of engine, and the efficiency of the breaks, which should be self-acting, with a block to every wheel.

846. Mr. *Layard.*] In your opinion, ought the position of a great public building, supposing that position to be in every other respect a very advantageous one, to be seriously affected by the construction of an underground railway, and ought that position to be abandoned simply because of the existence of such railway?—A public building is of very great importance,and an underground railway is also of importance; but the latter might be shifted from one place to another.

847. But would it not be advisable that means should be taken to prevent the vibration of the trains, rather than that a public building should be given up?—Certainly. You might try it on the surface of the Embankment without any difficulty, and find out what is the real resistance of the trains, and the sources of vibration.

848. As a practical engineer of great experience, you say it would be rather a foolish thing to give up the erection of a great public building because a railway was to be constructed in its vicinity?—If it were demonstrated that the railway could not be made without nuisance.

849. You think arrangements could be made to carry it into effect?—I think so.

850. Lord *John Manners.*] Two sites being named for a great public building, one of them being remote from an underground railway, and the other being in close proximity to it, which of those two sites would you be disposed to select?—It is of very great advantage to a public building to have communication as near as it can; but if the nuisance arising is very great, of course it must be removed.

851. Mr. *Layard.*] You will not say that a nuisance does not exist?—I think it does. For instance, you would not like to have your House of Commons situated over an underground railway. It is a question of construction, no doubt. You would want a much heavier railway, to get rid of the vibration, and a much heavier structure altogether than you could use upon solid ground.

852. Lord *John Manners.*] Then the immediate proximity of a railway is a thing to be taken into consideration in deciding upon the site of an important public building?—I think there is no question about that, both as regards its possible convenience and possible nuisance.

853. *Chairman.*] Not only the railway, but other things have to be considered; for instance, whether the road near the building is paved or not, and whether omnibuses and heavy vans travel along it?—No doubt. If you had a passage through the middle of the building, of common granite, with heavy waggons travelling upon it, it would not be endurable. Try it, for instance, at Somerset House, by letting a few vans drive round the yard, in the middle of the day; you would very soon have a complaint from all the officers.

854. Are you aware whether there is much vibration in Somerset House from the Strand side?—That I cannot say; as to the inner courtyard, the Strand part must of course be in the condition of the other Strand houses.

Mr. Joseph William Bazalgette, called in; and Examined.

Mr. *J. W. Bazalgette.*

855. *Chairman.*] You are, I believe, Engineer to the Metropolitan Board of Works?—I am.

856. The Embankment is your design?—It is.

857. And the works upon it are your design?—Yes.

858. Architectural and constructive?—They are.

859. I wish to ask you one or two questions with reference to this railway, bearing upon the point which we are considering to-day, namely, the effect that it may possibly have on public buildings; that, I imagine, has not been considered by you specially with reference to your own works?—No, it has not.

860. You do not consider that your roadway, or the wall of any building with which you are connected, would be in any way affected by the railway?—I do not.

861. You have heard the evidence which has been given with reference to this general question of the effect of vibration on buildings, public or private, and more especially with reference to the effect that such a railway might possibly have upon any public buildings erected: what is the result of your own consideration of that subject and what is your own impression, from what you have heard to-day, here?—I have not made any special examination of the subject, but I have made that general inquiry and general observation which most of the witnesses who have been examined before me seem to have made; and my opinion is that any houses which are suited to stand the vibration of the heavy traffic of the streets, particularly paved streets, will not be injured by the vibration from the underground railway.

862. Are you of opinion that, supposing a public building was erected with its front to the Strand, it would be as likely to suffer from any structural injury, supposing any structural injury arises from such a cause, through the vibration of heavy traffic, quite as much, or rather more so, than such a building would suffer from the vibration of the Metropolitan District Railway?—I think certainly quite as much.

863. Is that from your personal experience and observation, or from communications with others?—From both.

864. You can speak necessarily as to the nature

nature of the soil along there, where any public building which was erected near the line of railway would stand?—Yes.

865. Is the nature of the soil there such, that the foundations of such a building, a heavy large building, would have to be very deep?—In the first place, the railway is not so heavy as a public building would be, and it covers a large space; therefore by using a bed of concrete it is not necessary to go so deep with the foundations of the railway as it would be for the foundation of a public building.

866. You speak of that irrespective of the railway?—Yes; a building constructed there would have to go down to the solid ground.

867. How far deeper than the railway?—It would vary in different places, and I should say it would have certainly to go 10 feet deeper than the railway generally. It would have to go something like 30 feet below the level of the foreshore of the river at that point; that would be from 20 to 25 feet below low water. I should state, from the borings which I have taken and the knowledge I have of the bed of the river, that is nearer into the river than where a public building would be constructed, and therefore I have no doubt the ground rises to some extent towards the shore; but I may be a little out.

868. Will you turn to your right, and look at that large map, which perhaps may explain exactly the answer which you have just given: you have stated that any public building erected on the foreshore would have to go 25 feet below the level of the foreshore?—Of the natural bed of the river.

869. That applies to that point where the white comes in between the yellow lines; that white being the opening of the Metropolitan Railway; where would the point which you have referred to come on that plan, where you would require to go 25 feet down; how near the main line of the roadway would you have to go to that depth?—At the end of Norfolk-street or Somerset House, probably you would have to go some 20 feet below the bed of the river; there the bed of the river is somewhat higher. I have not a boring at that particular point, but judging from what I know, I say that from where the river falls at that point to the Embankment wall, where I have put in the foundations to get to the solid clay, we have taken a depth of 30 feet.

870. What depth would you have to go for the foundations of a large public building, if this river wall was on the opening of that part which is white on the plan, which is the opening of the Metropolitan District Railway?—The white portion surrounded by the red is the point upon which the Metropolitan Railway Company have to construct a railway station.

871. Supposing in the line of the Embankment, though it may not be in the immediate spot, you had to construct a public building, would you have to go 25 feet deep there?—From 20 to 25 feet.

872. So that in any case you would have to construct to that depth if you did not think the vibration of the railway would sensibly affect the building?—I think it would be a very wise precaution to have round that building an area separating the communication between the railway and the building itself.

873. To what depth?—From the foundations to build up an area round the building to the surface of the ground, just as you would round a house.

874. You think that would check the vibration?—I think that would check the vibration better than sand, or anything of that kind.

875. Do you believe in peat?—No; I think that would be the best thing.

876. Do you believe in sand as ballast?—Yes; I think that sand is good ballast.

877. Would there be any difference in the ballast of the railway being sand instead of other material?—None whatever.

878. Would it add to the cost?—I should think not.

879. Is sand to be had *in situ*?—I think they are excavating a good deal of sand in a part of their line; they are bringing a great deal of sand and gravel upon our Embankment from the Kensington cutting.

880. They could screen gravel which would serve the purpose?—Yes; there is no difficulty in getting sand.

881. Do you think, as a precautionary measure, it might be desirable in any Act, as in their original Act, the railway were, for the sake of Westminster Abbey and the dangers which were there apprehended, obliged to use peat or some other material, if they were compelled to use some precautionary measures. Do you not think it might be advisable to insert a section in their Act, as they are now before Parliament, to the effect that they must use sand as their ballast, or fine screened gravel?—I do not know that I should do that.

882. You do not think it would be necessary?—I do not think so.

883. But if you think that it might be a precaution, and that really the sand or fine gravel being on the spot, would not entail any trouble or cost upon the railway company, do you not think that it might be desirable as a precautionary measure?—Yes; I think it might.

884. Mr. *Layard.*] Supposing that crescent, of which the elevation has been submitted to the Committee, had been erected as proposed by the Metropolitan Board of Works upon the Embankment, would you have considered it necessary to have advised the Metropolitan Board to have exacted any precautions from the railway company in order to preserve these buildings?—No, I think not.

885. You think that those buildings would have let just as well where they were placed near the railway, as they would if they had been at a great distance from it?—I do.

886. It would have made no difference?—I think the railway is rather an advantage than otherwise; I think that the advantage of having a railway near, is greater than any disadvantage arising from vibration.

887. Can you tell the width of the yellow mark, which I suppose means the road between the end of Norfolk-street and the railway?—Fifty feet, I think.

888. Mr. *Gregory.*] What is that mark?—An approach road.

889. Mr. *Layard.*] Then I understand that the white space is where the railway is to run?—It is where one of the stations is to be.

890. Do you know at all the distance of the railway itself from the Norfolk-street end?—It will come under that white portion. The station will be over the railway; the station will be above ground, and the railway underneath.

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891. Supposing a large public building, such as the law courts, were erected there, do you think that the fact of the railway being so near would affect the courts?—I do not think it would affect the stability of the courts.

892. Would there be any inconvenience as regards vibration or noise?—I am not prepared to say that there would be no noise.

893. But nothing very considerable?—I think not more noise than would arise from the ordinary street traffic.

894. Not more noise than would arise from carts and waggons passing along the street?—I think not.

895. Do you know at all what depth you would require to carry the foundation of a large public building at the Strand end of Norfolk-street?—I do not.

896. You have not the slightest idea?—No, I have not.

897. You do not know whether there would be any great difference between the Strand end of Norfolk-street and the Embankment end of Norfolk-street?—I cannot speak positively; I believe it is made ground to a very great depth, but I cannot speak to that.

898. I presume there is no difference in the subsoil between Somerset House and the Temple Gardens, and that the foundations of any building between Somerset House and the Temple Gardens would be the same as at Somerset House?—Very much the same I should think.

899. *Chairman.*] The line of railway is to be where that part marked blue is; does it run along under the yellow for the rest of the line?—The line of railway is not very well shown upon that plan.

900. Can you show us the line of railway relatively to your embankment?—The whole way. (*The Witness explained a plan to the Committee.*)

901. Will you explain to us why it is that it does not run continuously along your roadway; I see on the Crown property here at this end it runs under the roadway, and on the Crown property opposite Somerset House it runs under the roadway, but on other portions where it is not Crown property, it runs under the reclaimed land?—It passes under the roadway at Charing Cross in order to get room for the station, and also to get ventilation. Here again (*pointing to the plan*) it passes from under the roadway in order to get a station for Norfolk-street, and to get ventilation here. Where it is under the roadway it can have no ventilation.

902. It was solely for the purpose of ventilation and convenience of stations, that it left your roadway?—Yes.

903. I wish to ask whether these sites for stations, and these sites for ventilating shafts, were approved of by the Metropolitan Board of Works, and whether they were agreed to by them?—I think they have been formally agreed to; at any rate they have been discussed and virtually agreed to, but whether by formal agreement, I do not know.

904. When they were before Parliament on the former occasion, did the Board give any evidence as to the best position for the sites of the stations and their ventilating shafts, so as to make the property of the Board as available as possible for any purposes?—The Board got clauses in their Bill requiring the railway company to get their sanction.

905. To get the sanction of the Board on all points, with reference to shafts, stations, and so forth?—Yes.

906. To what extent: were the Board in a position to say, "You shall put your station here, and not there; you shall have your ventilating shaft here, and not there; here you shall go under the roadway, and there you shall come out"?—The line of the railway was defined by the Act of Parliament, and the position of the stations was defined by the Act of Parliament, but the designs of the stations and the number of openings were left for the Board to determine.

907. And the amount of ventilation?—Yes; so far as their property is concerned, and what ventilation they could give with reference to that property.

908. On this plan the portion coloured yellow is the property of the Board, and the portion coloured blue is the property of the Crown?—It is.

909. On the property of the Crown, between Westminster Bridge and Charing Cross Bridge, there is no ventilation or opening at all?—No.

910. On the other hand, when you come to Charing Cross, to the property of the Board, there is an opening under the Charing Cross Bridge which you pointed out; then comes a station, and on the other side of the station there are three open shafts for ventilation?—That is so.

911. Were there two openings made with the sanction of the Board, or were the Board obliged to yield?—They were made with the sanction of the Board.

912. The Board did not consider that these three openings damaged the value of the property as a site for any buildings or for any other purposes?—The Board curtailed these openings as much as they thought it possible to curtail them, having reference to the working of the railway.

913. Originally were they proposed to be larger?—They were; the railway company wished to have them much larger.

914. To what extent?—They proposed to have an opening all through the yellow.

915. Do you know the extent of the opening to the west side of the station?—It is open to about 10 feet beyond the line of the Charing Cross Bridge.

916. Do you believe that, as they required no opening in the long space here, it is necessary, in that comparatively short space, to have four openings?—I do believe they could not work their line with safety and comfort to those who are travelling by it with less openings than they have got.

917. Would there be now any structural difficulty, as regards your roadway, in carrying the line nearer the roadway, and having these openings nearer the roadway than they now are?—I think it would be objectionable.

918. On what ground?—I think that the steam issuing from these openings close to the road would be objectionable.

919. Would be objectionable to the road?—Yes.

920. It would be equally objectionable, would it not, to any buildings which might be erected there?—I think it would.

921. If there were any gardens there, those openings would be very objectionable to those gardens?—We proposed to build round there.

922. But

922. But still, in the position in which those three openings now stand between Waterloo Bridge and Charing Cross Bridge, would they not very materially interfere with that bit of land as a site for public buildings, or for recreation purposes?—Certainly.

923. Do you see any difficulty in having these stations for ventilation moved further to the east, in which case they would be half-way between the ventilating shafts beyond Somerset House and the ventilating shaft at Charing Cross?—Mr. Fowler will point out to you, better than I can, the difficulty of that; I think he attaches very great value to having the ventilation at his stations the whole length of the platform.

924. From your knowledge of the ground, and the portion which might be available, supposing it was taken for public purposes, in your opinion does the existence of these three ventilating shafts render the land unavailable for such purposes, or does it not very materially diminish its value?—If a public building were to come out close to that, I think it would seriously interfere with it.

925. Therefore any architect for the Government, or any public body who wanted to make use of that, would be barred and limited in the use of that ground by these ventilating shafts?—Over them, certainly.

926. That bit of ground could not be occupied by public buildings?—No. Allow me to say, that I am not clear that Mr. Fowler might not say that if he were allowed an opening up to some given point from that, he would remove these three to different points.

927. But I should like to know, taking this plan as we see it, and as it is at present before Parliament, whether this railway has got an Act enabling it to construct its line according to what is here laid down?—Yes.

928. I should like to know from you, as engineer of this Metropolitan Board of Works, what extent of the site would practically be cut off for any public purpose if those works are so constructed, and the shafts remain as they now are?—As designed, any public buildings could be erected over that place.

929. What is the total depth at present from York-terrace to the roadway?—About 300 feet.

930. Therefore, of a depth of 300 feet, one-third would be practically unavailable for public buildings in consequence of these shafts being where they are?—That is so.

931. Then if we take it longitudinally, what would be the depth that would be cut off for that purpose?—Three hundred and fifty feet; that is, from their station.

932. So that from their actual station there would be in length along the Embankment 350 feet, cut off by a depth of 100?—There would.

933. What is this which is marked red along here?—That is the open space over their platform.

934. The result is that if these shafts could be moved, that site would be much more valuable?—It would clearly.

935. For any public purpose, whether gardens or buildings?—Yes.

936. And if these shafts are not removed, it will be materially damaged as a site?—Yes.

937. Now as to the construction of these buildings and these ventilating shafts, you say that the Board of Works were in communication with the railway company as to the construction of those buildings; have they been designed with your approval?—They have.

938. And you consider that the buildings will be in character with the Embankment works, and will not injuriously affect the appearance of the Embankment when completed?—Yes.

939. Along here, do you think that this station and these ventilating shafts opposite Surrey-street, Norfolk-street, and Arundel-street could be conveniently moved elsewhere?—I am not prepared to speak to that. They were settled by the Act of Parliament.

940. The whole thing is settled by the Act of Parliament, but having in view the possibility of this land being made available for public purposes, instead of being left to private speculation do you think that without any inconvenience to the railway works, it would be possible to arrange these stations and the ventilating shafts so as to be less injurious to any public buildings which might be there erected, I mean as regards appearance and convenience?—I think that station might be moved from that spot.

941. Speaking as an engineer, where do you say that the stations and ventilating shafts could advantageously be placed?—It would depend entirely on the design, I suppose. If there was to be a public building here (*pointing to the plan*) it would be desirable to have a station near, because it would be both near to that building and to the Temple.

942. Then you would encroach further upon the Temple Gardens?—Where you would place it must depend on the design of the building, in a great measure.

943. Do you think that the convenience which the railway required would be got without encroaching on the Temple Gardens, and without interfering with the approach to the station by Essex-street, and by driving the stations and the ventilating shafts further eastward?—I have no doubt it could, but I have never considered that point.

944. On the other side of the Temple Gardens is there any ventilating shaft?—There is.

945. Was that made with the approval of the Board?—Yes.

946. And the stations there are likewise subject to their approval?—No; the design for that station, and the ventilating shaft as well, was put in when the Act was obtained; it was under an agreement with the Duke of Norfolk, I think.

947. Lord *John Manners.*] That was put into the Act of Parliament, in consequence of an agreement which had been entered into, previously, with the Duke of Norfolk?—It was.

948. *Chairman.*] That is to say, then, from the line of embankment, which is a continuous line of wall, designed by yourself, of the same architectural character throughout, we may see railway stations and railway shafts along one part of the line, that is, between Wellington-street and Charing Cross Bridge, which have been approved of by you, erected of one architecture and of one construction, and on the other part, which is beyond Somerset House, opposite the Duke of Norfolk's property, we may see these buildings of a totally different character, with reference to which the Board of Works have not been consulted, but which are sanctioned by a private person?—No, I think not; I think I was a party to that agreement; I rather think I was consulted about it in the lobby of the Committee-room.

949. Can you say that they will be of the same

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same character as the others?—To the best of my recollection they will.

950. But you cannot speak positively?—I am pretty sure.

951. Mr. *Layard.*] Are you satisfied with the station they have erected at the foot of Westminster Bridge?—That is a temporary wooden station.

952. *Chairman.*] There is no station between Blackfriars Bridge and the station at the bottom of Arundel-street?—No.

953. But there is a ventilating shaft?—Yes.

954. Was that part got subsequently to their Act?—It was.

955. Have you seen the designs for that?—Yes.

956. And with those you are satisfied?—Yes, we are satisfied so far, that we feel that the railway cannot be worked without it. We object to any openings of that kind, as far as it is possible to object to them, but we feel that we must allow them to have as much as is necessary for the working of their line.

957. I suppose there must be a station at the bottom of Essex-street?—There should be.

958. Mr. *Layard.*] When the Crescent was in contemplation was it also proposed to make these ventilating shafts; and, if so, what arrangement was to have been made to prevent them interfering with the buildings?—The ventilating shafts, in that case, would have come in the garden in front of the Crescent, and we should have had mounds; it would have been laid out, in that case, as an ornamental garden, with mounds planted with shrubs, and walks in between.

959. You do not show a mound in the design?—No; I think, at that time, the mounds had not been arranged.

960. You state that they would be an inconvenience to a public building; would they not be an equal inconvience to a private building?—I think so far they would have been.

961. They could not have been very far from the buildings, because, according to this plan, your Crescent would have gone right into this road (*pointing to plan*), and the Crescent was intended to hide that road?—That plan shows a Crescent, with three ventilating shafts, about the centre of the green.

962. According to Sir John Thwaites' evidence that Crescent was intended to screen the ascending road, consequently it would have been constructed between that road and the Embankment?—The road, in that case came further back; the front of the Crescent would be in that road.

963. Where would the shafts have come?—As near in the centre of that green spot as possible.

964. They would have been close to the houses?—Yes; there would have been a 60-feet roadway, and then there would have been 60 feet more; they would have been 120 feet from the house.

965. *Chairman.*] They would come in the green?—As near the centre of the green as possible; rather nearer to the road, I think, than the centre.

966. Mr. *M'Clean.*] I think that Crescent was designed before the Act of Parliament was obtained for the railway?—I think it was.

967. *Chairman.*] Have you any suggestion to make as an engineer with reference to these ventilating shafts and stations, as to where they might be made, and how they might be made, so as to render this ground more valuable for public purposes and buildings than it is now, according to the plans of the railway?—I could only do that in conjunction with Mr. Fowler. You see I might propose to put them in places which he would say for the working of his railway would be of no avail.

968. You think that probably by communication with him, you might hit upon some plan or other which would render this ground more valuable for any purpose to which Parliament might wish to devote it?—I think, possibly, if we had any definite plan put before us, we might do so.

969. Along the whole line, not only as regards the portion between Waterloo Bridge and Charing Cross, but likewise that portion to which I refer, marked white, opposite Norfolk-street, Arundel-street, and Surrey-street?—I cannot answer any general question upon that; if any proposition were put before Mr. Fowler and myself, asking us how we could best arrange to work in conjunction with such a plan as this, we should consider it and give it a distinct answer.

970. Do you believe that the works could be so constructed, that the question as to the exact position of the site of the station could be left open for a short time, and that other portions of the work would go on, and that the question as to where these ventilating shafts should be, whethey should be here or there, might be left open for some months?—I think that would certainly cause a great deal of delay.

971. But in such a case as that might it not be desirable in the public interest that there should be some delay?—I am not prepared to say that I think it would be a great disadvantage if the opening of that roadway should be delayed any longer; and if the railway is delayed, that must delay the opening of our roadway.

972. Mr. *Layard.*] Suppose the Metropolitan Board of Works had been able to dispose of that piece of reclaimed ground, the foreshore between Hungerford Bridge and Waterloo Bridge, do you not think that the questions of these ventilating shafts would have been a serious deterioration to the value of the property?—Clearly it would.

973. *Chairman.*] You have stated that the Metropolitan Board of Works appeared before the railway committee, and made the best terms they could with reference to this question of shafts and stations, and so forth; was this question ever brought before any public officer?—Not before the committee.

974. As far as you know, this question of the arrangement of the sites of the ventilating shafts and other matters, the nature of the buildings to be erected, the architecture of the shafts and all those matters have been arranged between the Committee of the House of Commons, the Metropolitan Board of Works, and the railway company, wholly irrespective of any interference or questioning or action of any sort on the part of any person representing the public; I mean any official person serving the Metropolitan Board of Works?—Yes.

975. The Office of Works could take no heed of it?—No.

976. It has no power of interference of any sort or kind?—I think not.

977. Lord *John Manners.*] As engineer to the Metropolitan Board of Works, may I ask whether they regard themselves as representing the public in making metropolitan improvements?—They do.

978. Mr.

978. Mr. *Gregory.*] If some great public object was at stake, for instance the erection of some large and national building in the space between Charing Cross and Waterloo Bridge, in front of the Adelphi Terrace, would it not be possible to place these ventilating shafts elsewhere, where they would not be in the way of that public building?—That is just the point which I do not like to answer without conference with the engineer of the railway. As far as the Board of Works are concerned, I could find a more convenient position for them certainly than where they are placed.

979. But do you think there would be any insuperable difficulty as affecting the railway accommodation?—Yes; I think Mr. Fowler will tell you that it is most important of all to have light and ventilation at their station.

980. I suppose that any arrangement that is made ought to be made at once, ought it not?——

981. Mr. *Cowper.*] Assuming that there are about 250 feet between York-terrace and the three ventilating shafts that are marked upon the plan, and that it should be very desirable to erect a public building upon it, up to what distance of the ventilating shafts do you think the building might be brought so as not to suffer inconvenience from the air or vapour proceeding from these ventilating shafts?—I think if there were 40 feet of roadway between the building and these ventilating shafts, they would not suffer.

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982. So that a very large space is left for building to the west of these ventilating shafts?—Yes.

983. Mr. *Layard.*] Do you think that the erection of a public building on the site between Hungerford Bridge and Waterloo Bridge, would be an advantage to the property possessed by the Metropolitan Board of Works?—I suppose they would get a large sum of money for it.

984. Supposing they could sell some of their land, would the fact of a large public building being there add to the general value of the property of the Metropolitan Board of Works on the river site; would it give increased value and importance to it?—In a pecuniary point of view, I do not know that it would. I think it would be of great advantage to it to have fine buildings along the Embankment, in place of very poor buildings which are there now.

985-6. Mr. *Cowper.*] Do you think that the ventilating shafts would be injurious to the gardens in which they were situated?—No, I think not.

Mr. JOHN FOWLER, called in; and Examined.

987. *Chairman.*] You are, I believe, Engineer to the Metropolitan District Railway Company?—Yes.

988. A question has arisen, as you have heard, as to how far any public building which might possibly be erected on this reclaimed land would be affected by your railway, and the vibration consequent upon the passage of trains; has your attention, before the meeting of this Committee on this point, in any former years, been directed to that?—Yes, constantly, for many years.

989. Not only in connection with this railway, but with other railways?—Yes, generally; but chiefly in connection with the metropolitan railways, which furnish great experience with regard to the effect of vibration.

990. Is this railway different from the Metropolitan Railway?—Yes; it is a different company.

991. They are both underground railways?—Yes.

992. This is a branch of the other?—It is a continuation of the other from South Kensington down to Westminster Bridge.

993. You have had experience upon this point of the vibration, especially with reference to this railway?—Yes.

994. I think in your Act of 1864 there is a clause specially bearing upon this point in connection with Westminster Abbey?—There is.

995. How did that clause get introduced?—At the instance of the authorities, the Dean and Chapter of Westminster. It is the 34th clause of "The Metropolitan District Railway Act, 1864." Mr. Bidder, the engineer consulted by the Dean and Chapter, required certain precautions, which were, that we should, on the site adjoining Westminster Abbey, put tannin or peat seven feet wide, and for the full depth of the railway down to a little below the level of the rails.

Mr. *J. Fowler.*

996. That is between the Abbey and the wall of the railway?—Yes.

997. That peat was the result of what, in the first place, was the action on the part of the Dean and Chapter, and then your own action upon consultation with their engineers?—I would rather say with my consent; Mr. Bidder required it, and I did not see any objection to it.

998. Who proposed the peat?—Mr. Bidder, acting for the Dean and Chapter.

999. Do you know upon what data he went when he proposed peat; was it in consequence of the experiment referred to by Mr. Hawkshaw?—No; but I can readily understand why he would propose peat, for this obvious reason, that any substance that breaks the continuity of homogenous material, between the point of impact and the building which you desire to protect, is useful in breaking what is called the wave of motion; probably, therefore, peat is as good as anything, if you can always keep it in the state in which it is put into its place; the difficulty is to keep it from getting wet, because then it gets into a solid state and is not so good.

1000. What is the amount of peat there?—It is seven feet in thickness.

1001. What depth?—The depth of the railway.

1002. What is the distance of the railway from the Abbey?—Seventy feet; it is 62 feet from the nearest point, measuring from the outside of the peat to the foundations of the Abbey.

1003. This peat is put between walls of brick and concrete?—Outside the walls of brick.

1004. The wall of the railway is brick; then comes the peat against the ordinary soil?—And then comes the foundation of the Abbey.

1005. How long do you suppose the peat would

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would be likely to retain its elasticity?—I think in that place, owing to the nature of the railway, it is not likely to lose its condition very soon.

1006. Was any evidence given at that time to show that public or private buildings which had not been protected in any way, and which were near railways, had suffered structurally from vibration?—No, I have never yet known in my experience, which I suppose is as large as that of anyone, a single occasion where there has been structural injury from vibration.

1007. Therefore, although you were, in consequence of the action of Parliament, moved by the Dean and Chapter, obliged to use this peat, you did not think it necessary?—No, I did not; I did not think it would do any harm, but I did not think it was required in that case.

1008. But it might be effective?—Yes; I think the principle is quite sound, and I think peat is as good as anything else, excepting space. I rather agree, I confess, with Mr. Bazalgette's suggestion, that an open space is better.

1009. A kind of air cushion?—Yes, that would break the continuity.

1010. You have had great experience in all kinds of buildings connected with railways, stations, viaducts, roadways, and so forth; have you known of any instance of structural disintegration, if I may use the word, in consequence of the tremulous motion caused by the passing of heavy trains?—Never in a single case, nor do I believe it physically possible; I do not believe it to be possible that there can be any vibration, so as to cause structural disintegration. If it were, it would be in the nature of an earthquake, and not a vibration of the ordinary kind, caused by the passing of vehicles.

1011. The question of personal inconvenience and discomfort is another thing altogether; that is a matter depending very much on the solidity or not of the house?—Just so. The Westminster Palace Hotel has been instanced; that is a place very much frequented for arbitration; I have very frequently been there, and have spoken to a great number of people who have attended arbitrations, and, although the house is not, of course, built as a public building would be built, I have never met with anyone sitting at arbitrations who has been cognisant of the passing of the trains.

1012. When your railway was before Parliament, did persons on the line of railway appear before Parliament to resist the Bill on the ground of injury to their property?—No; except in the case of the Westminster Abbey. I do not remember any other case.

1013. You necessarily know this ground well, as you are the engineer who designed the line of railway upon it?—Yes.

1014. From the nature of the ground, will it be necessary that the foundations of any public buildings on the Thames side should go very deep?—I think an important public building should be taken into the solid ground.

1015. How far are you yourselves from the solid ground?—We go into the gravel which rests upon the solid clay. I did not think it necessary in the case of our railway (which has much less weight per square foot than a public building) to go down into the solid clay; but probably it would be thought prudent by an architect of a public building that it should be carried through the gravel into the solid clay. In considering any question of foundation on the Embankment, it should be remembered that in carrying the foundation of a public building even 10 or 15 feet extra depth, the expense would not be very serious, because there would be no water to contend with; it would be simply filling in the excavations with concrete, therefore you must not take it as important as regards costs. Mr. Hawkshaw is mistaken in supposing that the foundations would have to be taken deeper in consequence of the railway. I understood him to suppose that the railway required to be taken deeper in its foundations into the ground than would be necessary for a public building.

1016. I did not understand that; what I understood Mr. Hawkshaw to say was, assuming your railway to be where it is, that, in any case, irrespective of the railway, looking to the nature of the public building and to the soil, it would be essential to construct that building with its foundations considerably below the level of the railway?—There is no doubt about the fact that in any case the foundations must be taken down lower than the foundations of the railway.

1017. You say that you think Mr. Bazalgette's suggestion of an open space or air cushion is the best you have heard?—Yes, I do.

1018. Mr. Gregory told us of an instance where he had used sand instead of broken stone as ballast with the same object, namely, to check vibration; would you have any difficulty in getting sand and using it for that purpose?—We do really use the coarse sand which you might call either coarse sand or gravel, and I daresay that would meet Mr. Gregory's view.

1019. Would you undertake, with a view to giving security, to use that description of ballast?—Yes, we do use it now, but I think that fine sand would be objectionable to the passengers. We do, in fact, use a very pure gravel which we get round London, and which we find most excellent. That, I think, would entirely meet Mr. Gregory's suggestion, as distinguished from broken stone.

1020. Mr. *Layard.*] Supposing, in the public interest, and the interest of the metropolis, it was found advisable that a great public building should be erected on the space between Hungerford Bridge and Waterloo Bridge, and another public building, such as the Law Courts, between Somerset House and the Temple Gardens, do you think that the existence of the Metropolitan Underground Railway would be a serious objection to the erection of such buildings?—I am quite satisfied it would be the contrary. It would give a very general amount of convenience.

1021. We will come to that hereafter; I ask now with reference to the effects of vibration and the inconvenience from noise or anything of that kind?—I can give the Committee the most positive assurance that they need be under no apprehension as to the case of structural damage, even if they build up to the line of the railway, provided the foundations be put in properly; nor need they, for the purpose of avoiding noise, give an interval of 50 feet. What would be desirable, for the purpose of avoiding inconvenience, would be to make some provision as to the distribution of rooms, that any rooms requiring special silence should not, of course, be put against the side nearest to the railway. But, having exercised such skill and discrimination as an architect naturally would, under the circumstances, I see no reason

reason whatever as regards safety and convenience that any public building may not be brought quite near to the railway, or, in fact, built over the railway.

1022. Therefore you would not limit the distance to 50 or 100 feet?—Certainly not.

1023. You might even bring the railway under the Law Courts?—Certainly, there is no reason why it should not be so. The only thing I would suggest would be, that, structurally, there should be some reference to the fact that the building be clear of the railway, so as not to carry the wave of vibration from one to the other. The works should be made separate and distinct, as we have already done in certain instances on the Metropolitan Railway.

1024. I understand that both yourself, personally, and the directors of the company, are very anxious to do anything they can, consistently, of course, with the interests of their shareholders, to meet the views of the Government with regard to any public buildings that it might be found desirable to place on the Embankment?—Certainly, I may say they would be most anxious to do everything they possibly could.

1025. Mr. *Gregory.*] I think you stated that in any great public building it would be necessary for you to bring down the foundations to the solid clay?—Yes.

1026. Therefore it would be precisely the same thing; you would have to go precisely the same depth at the south side, if the Law Courts were to be placed on the Embankment, as you would have to go upon the north side?—Certainly.

1027. It would make no difference whatever?—Certainly not.

1028. In any place where there is a public building would you have to go pretty much the same depth to obtain the requisite foundations?—Certainly; but the Thames Embankment makes a permanent cofferdam, which shuts out the water of the river; therefore there is no question of water; and, therefore, very little difficulty.

1029. Then you differ from Mr. Hawkshaw in supposing that a building in proximity to the Thames Embankment would create an additional expense with regard to the depth of the foundations?—It would not affect the depth of the foundations in the smallest possible degree. It was very difficult to hear what Mr. Hawkshaw said; but both Mr. Bazalgette and I understood him to say so.

1030. Lord *John Manners.*] You have spoken about arbitration-rooms in the Westminster Palace Hotel; can you tell us on what floor they are?—On the first floor above the street.

1031. Mr. *Dilke.*] You mean what is really the ground-floor?—Yes; the raised ground-floor.

1032. Lord *John Manners.*] On a level, in fact, with the coffee-room?—On the coffee-room level.

1033. Have you any experience of the vibration of the railway in any of the rooms above that level?—No, I have not myself; but I can state this to the Committee, with reference to vibration caused by passing vehicles in streets, that I lived for 20 years in Jeremy Bentham's house, which is more than 100 feet from Birdcage Walk, and I have felt the vibration of vehicles in Birdcage Walk continually.

1034. Mr. *Layard.*] You do not think that the vibration on the Thames Embankment from the railway would, under any circumstances, be greater than the vibration near the Strand from carts, and other traffic?—I should think it would be decidedly less. That which produces the greatest vibration is a heavy vehicle; for instance, Pickford's vans, which combine weight with speed. Heavy van traffic at a trot produces the greatest vibration, especially over the pitched streets.

1035. Lord *John Manners.*] A previous witness gave some slight evidence as to two houses at the end of Park Crescent, which I think had to be pulled down; you, I believe, were the engineer?—Yes.

1036. Can you tell us anything about the feelings of the people who inhabited those houses?—They have been let by the company to Mr. Gilbey, and he has frequently expressed his perfect satisfaction with the arrangements, and the absence of all discomfort in living in the houses, which are over the railway.

1037. *Chairman.*] Did he get them a bargain?—No, I believe he paid the same price as the company gave.

1038. Mr. *Layard.*] Has the company been obliged to buy any land on either side of the railway?—Yes.

1039. Have they built upon that land?—The company generally avoid building, if they can; they generally sell it.

1040. For building purposes?—Certainly.

1041. Do you find any difficulty in selling the land for building purposes?—None whatever; the most recent act of building near the railway of the company, is in a locality no doubt well known to the Committee; viz., those very fine houses built by the Marquis of Westminster, in Grosvenor Gardens. The Marquis of Westminster and his agents, thoroughly understand London buildings, and everything connected with them, and have voluntarily built the finest of their houses within 15 feet of the railway.

1042. And you have heard of no complaint?—None whatever; they have taken the precaution of placing the foundation at the same level as the railway.

1043. The houses are built over the railway?—Houses near the Victoria Station have been built completely over the railway.

1044. And you have heard of no complaints from those who occupy them?—None whatever; they are most valuable.

1045. The rents are rather higher, in fact?—Yes; it is an excellent locality.

1046. Mr. *Dilke.*] The trains move very slowly when they pass there, I think?—Yes, it is near a station.

1047. They slacken speed when they come there?—Yes.

1048. *Chairman.*] Is that by any understanding?—No; it is proper to bear in mind, however, that we are obliged to start our trains as rapidly as possible, and run them with somewhat regular speed until we get almost into a station, and then pull them up very quickly. If we do not do that, our average speed would be so low that people would not travel by our railway; therefore, the difference in speed between the stations is not very great.

1049. Do you use any special break?—We do; and our engines are constructed so that full power can be put on at once.

1050. What is your average speed?—From 14 to 16 miles an hour; and we do not get be-

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tween any of these stations to more than 25 miles an hour; therefore, the difference is not great.

1051. How sharp do you pull up?—We pull up very rapidly; if we enter a station at 16 miles an hour, we can bring the train to rest before the engine gets too far into the station.

1052. Lord *John Manners.*] Then I understand you to object to any statutory restrictions as to speed?—Yes; and I would venture to say that it is not necessary, the difference between our average speed and our extreme speed being so small; there are houses over the railway also in Victoria-street, which are very fine new houses, all faced with Portland stone.

1053. *Chairman.*] How near do the foundations of those houses come to the top of the railway?—There is nothing but a girder between them.

1054. Is there any statutory line of demarcation?—None.

1055. If you touched their property you must take the whole of it?—Yes; but this was vacant ground, where the Turkish baths stood. We bought them, took them down, and then sold the land for these houses. They were built up under our own directions, with regard to strength, and so on; but the railway was there before the houses were built.

1056. Mr. *Layard.*] Had you any difficulty in selling the land for building purposes?—None whatever.

1057. You got as good a price as for the land adjoining?—With this difference; that where they are over the railway there is no basement; otherwise they are the same.

1058. Mr. *Cowper.*] Do the extremities of the houses go down to the site of the foundation?—Yes.

1059. *Chairman.*] The houses, after the railway is constructed, can be made solid in their foundations, and means can be taken to avoid inconvenience; but with regard to a poorer description of houses, which you now tunnel under, you say you can go as near as possible without touching them, without being liable in any way?—Yes.

1060. But if these houses have very shallow foundations, that must render them almost impossible to live in?—Then we improve the foundations by under-pinning them.

1061. Have persons who live in that description of house any means of redress; have you to pay them compensation?—In certain cases, but not all cases; we are liable if we do them an injury.

1062. Do you happen to know where the Museum of British Antiquities in Victoria-street is?—I never heard of it.

1063. Lord *John Manners.*] With respect to the two houses at the end of Park-crescent, did the railway company rebuild them after they had pulled them down?—They did.

1064. Mr. *Layard.*] Why did they pull them down; were they badly built houses?—No; but it was cheaper to pull them down. I went into a calculation very carefully, and I found it was cheaper to pull them down and rebuild them than to repair the foundations. So exactly were they rebuilt, according to the original formation, both inside and out, that the Crown required us to re-produce all the decorations; the rooms were decorated exactly as they were originally.

1065. Why did you pull them down?—The railway goes underneath them, and so near to them, that we found it cheaper to pull them down than to sustain them.

1066. Lord *John Manners.*] In rebuilding them, did you take any extra precautions, with a view of meeting the objection of vibration?—No; we made them substantial, but with no greater strength than one would build them in the ordinary way, that is to say, the foundations on which the houses are built, which are girders resting upon solid brickwork, were made of the proper strength, but above that the houses were built as they were before.

1067. As far as the houses themselves were concerned, you did build them in a more solid way than the neighbouring houses?—We made the foundations more solid, but that in every respect is an extreme case, because there is only 18 inches between the floor of the kitchen and the tunnel of the railway.

1068. *Chairman.*] I wish to ask you a question or two with reference to the point raised, in which Mr. Bagalzette's examination, namely, as to these stations and ventilating shafts. We will begin at Westminster Bridge; you have a station there have you not?—Yes.

1069. Is that permanently erected?—No.

1070. I will ask you first, generally as regards the architecture of your stations; have they been arranged by communication between you and the architect of the Metropolitan Board of Works?—They have.

1071. All of them?—The whole of them.

1072. The stations as well opposite the Duke of Norfolk's property, Arundel-street, Norfolk-street, and Surrey-street, the same as in other parts?—The Metropolitan Board of Works have no control over the station at Bridge-street, that is under the control of the Office of Works.

1073. Under the control of the Crown?—Yes.

1074. How has the Crown exercised its control there?—By permitting us to make a temporary wooden booking office there, with the obligation to take it down, and put in place of it a permanent building, the designs of which must be sanctioned by the Crown.

1075. That permanent building has not been sanctioned?—It has not.

1076. Then there has been control exercised by the Crown?—Yes. Perhaps I had better explain why that has not been done. It has been proposed from the first to combine this station with an important building there, and that important building has not yet been settled.

1077. An important building of what kind?—A Crown building, or a block of private offices; but as it was necessary that the railway company should open their line, it was agreed that there should be an obligation on the part of the company to remove this temporary building, and replace it by a permanent building.

1078. Is that obligation an honourable understanding, or is it by Act of Parliament?—It is a written understanding, contained in a letter from myself to the Government.

1079. Of course, where there is a station, you have ventilation as well?—We have.

1080. Is the form which the ventilating shafts are to take, temporary also?—It is temporary.

1081. Therefore they can be moved right or left, according as that building is constructed?—Certainly, within certain limits.

1082. Certain necessary limits?—Yes.

1083. Now we come along here (*pointing to the plan*), and we see that your railway runs from where it leaves this white part under the roadway;

roadway; is that in consequence of the action of the Crown that you have gone under the roadway? — No, not necessarily; there was never any question about its passing under the roadway there, because the curves of the railway necessitated its passing in that way. There was no discussion about it, and the whole of that is being carried out, and a clause has been inserted in the original Act of Parliament at the instance of the Crown.

1084. If it had not been for that, would you have taken any other line?—No.

1085. Then there is no ventilation between the ventilating shaft at your temporary station and the ventilating shaft under Charing Cross railway bridge?—No.

1086. Was that in consequence of any action on the part of those representing the Crown?—Not action, excepting in this way. I ascertained from the Crown tenants the extreme difficulty there would be in getting any ventilation between those two points, and as the stations at Charing Cross and Westminster are the nearest of any two stations, I saw my way to the means of working the railway without an opening between those two stations, provided I got openings contiguous to them.

1087. When you say it was extremely difficult, do you mean structurally or morally?—It was a moral difficulty.

1088. That is to say, you knew that the Crown, or those representing the Crown, or the parties so interested would consider ventilating shafts there as deteriorating the property, and would therefore resist them?—Certainly, the Crown tenants there had shown their great power, and it was quite right and proper that they should not have ventilating shafts in their gardens if they could be placed elsewhere, and the line satisfactorily worked.

1089. Therefore you saved the Crown property for about half a mile?—Yes.

1090. What is the space which is supposed to be ventilated under Hungerford-bridge at that station?—The station is 300 feet long, and that may be said to be all open for ventilation.

1091. What is the extent of your ventilation there?—Three hundred feet.

1092. Do you apprehend that, whatever buildings are constructed, you will always have 300 feet there?—No; we do not require 300 feet

1093. What do you require there?—From 150 to 200 feet.

1094. That you think can be conveniently arranged with reference to the building?—Yes.

1095. From there how much is it?—From St. James's-park it is about half a mile, or a little less; we have an opening in Victoria-street.

1096. What is the size of it?—About 500 feet.

1097. Here you are going to have 350 feet?—There the necessity for ample ventilation becomes not merely urgent but absolutely necessary.

1098. If you can do with 50 feet here because you have 350 feet there, you require your great ventilation in the centre?—Yes, it becomes absolutely essential.

1099. What is that yellow piece of ground there (*pointing to plan*)?—It is a piece of land dedicated to the public.

1100. An open space?—Yes.

1101. What is the size of it?—About 300 feet and 180 feet in depth.

1102. Supposing, in the interest of the public, it was thought more desirable not to have those ventilating shafts here, but to give you ventilation there (*pointing to plan*); it would answer your purpose just as well having it there as along here, would it not?—If we get a piece of ventilation at each end we should prefer having it all here.

1103. So that as regards the railway, that is a question of consideration for the public?—Of course the object of the railway company is to provide proper ventilation for the trains, therefore I consider them as one.

1104. There is a public under ground, and a public above ground?—The public using the railway I must protect, and in their interest I should prefer the ventilation partly on one side, and partly on the other, of the Charing Cross station; that is, instead of the arranged spaces extending over 300 feet on one side of the station, I should prefer taking 100 feet of greater width close to the station, and on each side of it.

1105. I suppose you are not prepared to dispute the fact, that assuming that this site was to be used for any public building, whoever laid out that ground or constructed that building, would be materially interfered with in his arrangements, and possibly the general plan and beauty of the building might be impaired by the existence of these shafts?—If you wish to bring public buildings down to the Embankment, there is no difficulty in altering the ventilating shafts even after the railway is open. The stations, however, must be settled now for all time; but with regard to ventilating shafts, they are comparatively a small work, and I see no objection to such a change, which would give sufficient ventilation to the railway.

1106. Would you have any difficulty in coming to the same understanding here with the Metropolitan Board of Works or the First Commissioner or any other person representing the interests of the public with reference to this station with these ventilating shafts that you have come to with the Crown at the other end, namely, that you make your station temporarily, and that the ventilating shafts shall be of such a nature that your railway would be so constructed that you could move the shafts right and left?—There is no question about the position or the dimensions of the station, it is simply as to what may be called the booking-office, or the over-ground part; the great object is to have them as unpretending as possible; Mr. Bazalgette was quite right in his recollection, that before this was settled with the Duke of Norfolk, it was submitted to him for the purpose of saying that it was of the same character as the other stations, and the Charing Cross station is intended to be of the same character as that.

1107. Is it necessary that you should proceed at once to the erection of these stations which are above ground?—No, it is not pressing for a short time. The sides of the Charing Cross station are now very far advanced, but the buildings above ground may wait for a month or two.

1108. In the same way as the other places?—At Charing Cross and at the Temple.

1109. Lord *John Manners.*] The site of the stations, I understand, you regard as irrevocably settled?—I think so.

1110. *Chairman.*] Are the works begun?—

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Only the excavations, not the brickwork, as in the case of the Charing Cross station.

1111. Would there be any difficulty in leaving that at that end (*pointing to the plan*), instead of this end; this yellow part is for open ventilation, I suppose?—No, that is an open space for the public.

1112. Mr. *Layard.*] Supposing Essex-street were enlarged and became an important street, would it not be very convenient to have a station there?—There would be very great difficulty, I think, in postponing that.

1113. *Chairman.*] Why so?—In the first place, it could not be done without an Act of Parliament and the consent of the Duke of Norfolk; I believe we are also restricted by the Temple from having any part open within a certain distance of the Temple-gardens.

1114 But you might have your building there?—We could not have the building hermetically sealed; if it were a station it must have a certain amount of ventilation.

1115. Lord *John Manners.*] I suppose that all these stations were very carefully laid out after mature deliberation, were they not?—They were indeed; they were subject to very long and serious consideration by all parties interested.

1116. Mr. *Layard.*] But at that time it was not contemplated to erect public buildings on the Embankment?—No, it was not; the Charing Cross station, I think, under no circumstances could be advantageously moved, because now it is as much out of the way as it can be.

1117. And I suppose you would want to make it also convenient for the railway?—Yes, for the Charing Cross railway.

1118. Mr. *Cowper.*] Does your Act of Parliament provide for any access from the station to Norfolk-street?—It does. This matter has been the subject of negociations and consideration for a very long time, and you will see that a terrace is provided for along the upper part of the railway, and a station placed entirely underneath, the effect of which is to shut out the railway and station as much as possible from the houses.

1119. It is not intended to have a carriage-way from the station to Norfolk-street?—From what may be called the higher level, it has a communication with the Thames Embankment on each side, down Norfolk-street, Surrey-street, and Arundel-street, by a back or duplicate street.

1120. These side streets from Norfolk-street are not within the province of the railway company to make?—No, they are not.

1121. The railway company, I presume, makes steps for foot-passengers from their station up to Norfolk-street?—That is so; the only thing the railway company were required to do, was to make their railway consistent with the design.

1122. *Chairman.*] That is the design arranged with the Duke of Norfolk?—Yes; and the Board of Works jointly. The Act of Parliament requires that for 100 yards on each side of the Temple it shall be covered, so that there shall be no opening of any kind. In the clause protecting the Temple, the railway is not only required to be covered, but it is required not to be wider than is just necessary for two lines of rails, which of course would render it impossible to make a station under such a clause.

1123. Here you are not tied, but are free to move right or left with these ventilating shafts?—Yes, the construction of this part of the line is under the control of the Board of Works, but with the condition that we have a sufficient provision for light and ventilation.

1124. But you would undertake, as regards that part, to endeavour as far as possible to meet the views of either the Board of Works, the First Commissioner, or any persons on the part of the upper ground public, not the under ground public, who might wish to utilise that part for public buildings?—Certainly, there would be no difficulty about that. I see no difficulty in power being given to us to get openings on the other side, and that space of 300 feet can be curtailed down to 100 feet if correspondingly wider.

1125. Supposing that power could not be got, and you were to confine your operations within the space which I marked, could you, by enlarging this ventilating shaft, do away with one or two of these (*pointing to the plan*)?—What might be done is this; I do not think these three openings are in themselves more than sufficient, but they might be put in a different form; they might be made wider in order to permit of any building being there.

1126. Is there any reason why they should not be made, as you say, wider?—No, there is not; I myself preferred and was anxious that they should be in a different form, but these were settled after a great deal of consideration and discussion with the Board of Works as being on the whole sufficient for our purposes, but in a form which the Board of Works thought most convenient for the land under their charge.

1127. But as regards these parts, you feel yourself bound by clauses in the Act of Parliament, and there is no means of moving the station right or left?—We are bound there in such a way that it would be impossible.

1128. Mr. *Layard.*] Without the authority of Parliament?—Without the authority of Parliament it would be extremely difficult.

1129. *Chairman.*] Could you in the meantime arrange your stations so as to give Parliament time to consider these things?—We could not possibly do that, because we are under obligations to the Board of Works to finish the railway *pari passu* with them, and they are very much disposed to complain of any delay on our part.

1130. Mr. *Layard.*] I may ask a general question, whether it would not be for the advantage of the railway company that a great public building should be erected on this site?—I think I can safely say that it would.

1131. Therefore it would be for your interest, as representing the railway company, to meet the Government in any way that you could, supposing it was their desire and intention to do so?—Certainly; and I think I may safely promise, on their part, that they will do everything in their power.

1132. *Chairman.*] As regards this station, putting aside all question of private right, *qua* the railway and any public building that might be erected there, supposing it were possible, would the railway company make any objection to the incorporation of their station with any public building there?—Certainly not.

1133. Or to the alteration of the architecture of their station that is above ground, so as to suit that building?—Certainly not; and I would even

even go further and say it is important in the case of a public building erected there, that it should be incorporated with the railway station, so as to afford the greatest amount of convenience.

1134. As regards this public building so incorporated, would the steam and vapours coming up disagreeably and injuriously affect it?—Certainly not, if the plans now before the Committee are carried out, because they provide for proper and sufficient ventilation; there is also another point which will be for the Committee, at some time or other, to consider; viz., that in case of any difference of level, an elevator can be adopted, by which persons desiring to get to any particular floor could go there in great numbers with comfort.

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1135. You could have a lift from your station up to any of the floors?—Certainly.

1136. You could have in your station a colossal lift, which could take up any number of suitors and lawyers, wigs and all, to any floor they chose to go, without inconvenience?—Certainly, and I think that would be a matter worth consideration in the arrangement of the law courts.

1137. And it could take them down again if they are weak in the knees?—Yes.

REFORM CLUB
PALL MALL

Monday, 19*th April* 1869.

MEMBERS PRESENT:

Lord Elcho.
Mr. Buxton.
Mr. M'Lean.
Lord Sandon.
Mr. Alderman Lawrence.
Mr. Tite.
Mr. Cowper.
Mr. Layard.
Captain Dawson-Damer.
Mr. Sclater-Booth.
Mr. W. H. Smith.
Mr. Dilke.
Mr. Beresford Hope.

LORD ELCHO, IN THE CHAIR.

SIR JOHN THWAITES, called in; and further Examined.

Sir *J. Thwaites.* 19 April 1869.

1138. *Chairman.*] I BELIEVE you have some additions to make to your former evidence?—I promised your Lordship and the Committee at the last sitting to produce some examples of the gradients of some particular streets which were well known. I have done so, and put them on this plan, which I will now hand in (*handing in a plan to the Committee*).

1139. You begin with St. Martin's-lane?—I begin with St. Martin's-lane.

1140. From St. Martin's Church?—Yes; from St. Martin's Church up to Great May's-buildings; that is a gradient of 1 in 46.

1141. Is that the Horse bazaar?—I am not quite sure, but I will ascertain that. From Chandos-street to St. Martin's Church it is 1 in 37; from Duncannon-street to the statue of King Charles at Charing-cross it is 1 in 28, down from the church, which is considered to be an inconvenient gradient. Then from Coventry-street to Panton-street in the Haymarket it is 1 in 32; from Panton-street to James-street 1 in 26; and from James-street in the Haymarket down to Suffolk-place is 1 in 39. Then in Regent street, from the County Fire Office down to Jermyn-street is 1 in 48 and 1 in 24; and from the fire office to the Circus is 1 in 48. From the Circus to Jermyn-street is 1 in 24; from Jermyn-street to Charles-street is 1 in 53, and 1 in 85 at the lower part. Then in St. James's-street, from the Piccadilly end down to Little Rider-street, is 1 in 24.

1142. From the Piccadilly end?—Yes; taking nearly two-thirds of the distance.

1143. Past the clubs?—Yes, a considerable distance; nearly two-thirds is the steepest part. Then from that point to King-street is 1 in 34; and the lower end is 1 in 54. Then there is another well-known point, namely, Constitution-hill, from Hyde Park-corner down to Buckingham-gate, the first portion is 1 in 98; the second is 1 in 67, and the third 1 in 58. Those are good gradients throughout. Then in Piccadilly, from Park-lane down to Engine-street I think, from at any rate a point between Down-street, and that is 1 in 47. The next small portion is 1 in 46, and then from White Horse-street back to the other point would be 1 in 51; from White Horse-street to Half Moon-street, 1 in 29; from Charles-street, Half Moon-street, to Bolton-street, 1 in 40 and 1 in 59. I was asked to give some information as to the cost of the Thames Embankment, and I have prepared a statement which I will put in.

1144. There is another point with reference to the cost. You have made a statement with reference to the cost of a curved roadway round by Northumberland House-garden, taking off a very small corner of the garden. Have you considered at all what the probable cost of such a curved roadway would be?—I think my answer to that on the last occasion probably was not sufficiently clear. The cost of these approaches, including Northumberland House, is 467,000 *l.*, and I am afraid my answer led to the conclusion that that was the cost of the approach through Northumberland House, but that is not so.

1145. Mr. *Layard.*] That includes the purchase of Northumberland House, including the whole building, gardens, and everything?—Yes, the nett cost.

1146. Up to Northumberland-street?—From the Strand. Certain commercial premises were taken in that, independent of the Duke's house and other premises at the lower end between the Duke's garden and the Thames were also taken.

1147. May I ask you, was that up to Northumberland-street?—The cost I referred to included the widening of Northumberland-street at the part coloured red.

1148. *Chairman.*] It was the purchase of the whole of that block between the two pink lines?—Yes, and making the other approach.

1149. Have you calculated at all what the cost would be, avoiding Northumberland House, in the way that is suggested by your curved line, which will just touch the corner of Northumberland

land House-garden, where the word "Scotland" is printed?—Having carefully looked at, and separated those estimates, I should think the nett cost of going through Northumberland House, taking the property at the rear, after realizing the return ground, which would be very valuable in that case, would be something like 200,000 *l.*

1150. Avoiding Northumberland House, and taking that corner line according to your white line which is laid down?—I have had a plan drawn of apossible approach clearing the Duke's house.

1151. Mr. *Tite.*] Avoiding it?—Yes, avoiding it entirely, except a very small portion of the garden at the south-western end. I stated before that any curved plan, having for its object the avoidance of the Duke's property, would necessarily be driven so near to Charing-cross that it would cut diagonally the houses to a considerable depth, certainly down to Craig's-court, and some houses lower than that. That circumstance would greatly add to the cost of this line; however, we have endeavoured to make what we hoped might be a fair and reasonable estimate, and the cost will be a little over 400,000 *l.* for making this line as contrasted with 200,000 *l.* in passing through the Duke's property.

1152. *Chairman.*] Do you make any allowance in this calculation for the resale of any land which you require, on the principle upon which you have hitherto acted?—Yes; that is the nett cost.

1153. And making a similar allowance in favour of Northumberland House, there would be a difference in favour of Northumberland House direct line of 200,000 *l.*?—Yes.

1154. Do you think that a fair and reasonable estimate?—Yes; giving the same margin in each case, the cost of the Northumberland House plan would be about 200,000 *l.*, and the cost of this curved line, indicated on this map, would be a little over 400,000 *l.* In both cases that is nett. We should have to take down the National Bank. (*The Witness explained the plan to the Committee.*)

1155. May I ask you what extent, according to this blue line of ground belonging to the Duke, you take at that corner; apparently it must be something infinitesimal?—It is extremely small; and of course there would be this advantage, you could have a frontage to this fine roadway on the Embankment. Here there are properties which are not quite nice behind.

1156. Have you calculated at all, in the course of your projected improvements, the cost of widening that narrow part of Charing-cross, between Scotland-yard and the Admiralty, or rather higher up, between Cox's and Drummond's?—We have not made a careful estimate of that, but it would be a very serious cost indeed.

1157. It would be one of the greatest improvements practicable?—It would be a very desirable thing, but of course, it is a question of funds.

1158. It cuts off the communication with other parts of the town, and the Houses of Parliament?—It approaches the Houses of Parliament, and if the House will take a liberal view of the question, and not tax the metroplis, we shall be happy to be its executive.

1159. What is the width of the roadway; it is about 45 ft., is it not?—Yes; but there is a fall here (*pointing to the plan.*)

1160. What do you reckon the minimum width you ought to have for a great thoroughfare?—No great thoroughfare ought to be less than 50 feet, and 60 feet is a proper width for a street in the metropolis. Sir *J. Thwaites.* 19 April 1869.

1161. Mr. *Sclater-Booth.*] What is the width of the blue?—Eighty feet.

1162. *Chairman.*] Then with reference to gradients, have you considered the question of the gradients of Essex-street since you were before this Committee, and what sort of access or approach might be made from the Strand to the roadway on the Embankment through Essex-street or in that direction?—In the first portion of Essex-street from the Strand the gradient is very indifferent. I think it is 1 in 17.

1163. Mr. *Layard.*] For how long is that?—I should think rather more than one-third of the distance.

1164. *Chairman.*] Without going into detail as to the gradients of the different parts of the incline between the Strand and the roadway on the Embankment, have you considered generally what would be the gradient of an approach road made there; there would be no difficulty, in fact, there, would there?—That would involve the taking of the houses on both sides of Essex-street, and a re-formation of it.

1165. I assume that?—You might, by equalizing these several gradients, reduce it to 1 in 30.

1166. Mr. *Layard.*] Can you tell me the gradients of Norfolk-street and Arundel-street, between the Strand and Howard-street?—It is 1 in 28 at Norfolk-street, between the Strand and Howard-street. The next point from Howard-street is 1 in 19. It dips very much there, and then from the end of Norfolk-street to the Embankment roadway it would be 1 in 10, which is an impossible gradient.

1167. Mr. *W. H. Smith.*] That is the proposed circular roadway?—From the end of Norfolk-street down to the Embankment; the gradient would be one in ten, which is quite impossible for public traffic.

1168. *Chairman.*] With regard to that portion of the land which is represented white between the Metropolitan Railway Station and Blackfriars-bridge, a suitable approach from Essex-street could not, in fact, be made without purchasing the houses?—I should think not.

1169. Not a really handsome and convenient approach?—It would be quite impossible to get a roadway at a better gradient than one in ten, which for public traffic, I need hardly say, is almost inacessible.

1170. I gathered from your evidence on the last occasion, that you considered that at some time or other, it would be necessary for the convenience of the metropolis to make an access and an approach to the Embankment roadway there?—It would be a very convenient point for an approach to the Embankment, especially if the law courts should be built there.

1171. And if the Metropolitan Railway Station is, as I suppose it will be, where it is marked on that plan, it will be necessary to have a good access to that station, will it not?—That no doubt will be an improvement; but it would be scarcely an obligation of the Metropolitan Board of Works to facilitate railway traffic.

1172. Mr. *Smith.*] If there was a road to Holborn from the Strand, an approach to the

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Embankment in that direction would become still more necessary, would it not?—Clearly.

1173. That is a street which is contemplated, is it not?—Yes; what I meant by its being scarcely a Metropolitan Board of Works' obligation is this: that if a railway company chooses to put a station in a very inconvenient position, they have scarcely a right to call upon the Metropolitan Board of Works to make them convenient approaches. The facilitating the traffic *per se* is obviously a duty cast upon the municipality. That is the distinction I draw.

1174. Mr. *Layard.*] You do not consider Essex-street in an inconvenient position, considering that it abuts on the Strand, in one of the most central portions of the metropolis?—Not for a railway station; it is near the Temple; and especially if the law courts are to be fixed in that locality, it would be a great advantage to have a railway station as near to them as possible.

1175. Whether the law courts are placed on the Embankment, or on the Carey-street site, it will be equally important to have Essex-street open, will it not?—No doubt it is very important to have all the lateral streets open.

1176. *Chairman.*] That portion of the reclaimed land which is uncoloured, between the railway and the houses to the east of the Metropolitan Railway Station, which you have just referred to, in front of the Temple-gardens, belongs to the Temple, does it not?—Yes.

1177. Is the part still further east, beyond the precincts of the Temple, available for purchase or for any other purpose; I mean the reclaimed land, which is the strip between the roadway and the gas-works?—Yes; there is a special clause in the Act appropriating that.

1178. The whole of that is appropriated especially to the gas-works, is it not?—Yes.

1179. The Temple have the part between the Metropolitan station and where the green ceases; that is, I suppose, at the end of what belongs to them, but beyond that the whole of that narrow strip is appropriated by a clause in the Act to the City Gas-works, so that it is unavailable for any public purpose; I mean from where the Temple property ceases, at Blackfriars-bridge, to that roadway where it passes under Blackfriars-bridge?—There are three or four wharves from the Temple to the City Gas-works. There is now a 100 feet roadway instead of 70 feet, as originally designed. We propose to have an uniform width of road throughout. The road on the Embankment is 100 feet, and we propose a road of the same width passing the gas-works, instead of a width of 70 feet, as originally designed. In order to lessen the cost and to avoid the taking of the gas-works, we first proposed to give them an inner dock approach by means of barges, so that the barges could be taken in and let out. We have since arranged to have 100 feet of roadway, and a solid embankment throughout, which of course would lessen somewhat the area to be dealt with.

1180. As drawn there, that roadway represents 100 feet, does it not?—Yes; the railway will occupy a considerable space.

1181. But the railway will be under ground, will it not?—Yes; but they will have to deal with the surface.

1182. That is only temporarily, but permanently they will be under ground?—I believe they propose to extend the frontage and to give a frontage to the main roadway, the railway passing underneath.

1183. As I see that the map you have before you is marked both with the railway and with different colours, it will perhaps indicate what you have to say best; therefore I will refer to the map which you now have in your hand. Between the building and the roadway, there is a piece of ground beyond the reclaimed land, coloured pink, which I suppose belongs to the Temple?—Yes.

1184. Then comes a block of white, through which the Metropolitan Railway passes; is that given to the gas-works by a clause in the Act of Parliament?—That will have to be appropriated, supposing these wharves are taken; that will be a question of re-sale of that land, and extending these wharves to the front of the road, making them, in point of fact, warehouses with a dry entrance instead of a barge entrance.

1185. What is the position of that bit of land which is apparently occupied by buildings now, and by the roadway; does it belong to the Metropolitan Board of Works?—It will belong to us if we purchase the whole of that property, unless we can make arrangements; if we purchase the whole of the property, that area in front will be under our control, to dispose of for building purposes.

1186. But if you do not purchase it, what then?—Then it will be a question of give and take; we shall have to compensate the parties for the possession of their water-rights, and we may assign to them the area in front of it up to our roadway, for the purpose of lessening the amount of compensation.

1187. What is the character of those houses now?—They are wharves.

1188. They are rubbishing buildings, I suppose, more or less?—No, one of the wharves is a very fine building now.

1189. But they are not buildings of an ornamental character?—No, they are of a commercial character.

1190. If you assign that portion of the land which you will have it in your power to do to the owners of these wharves, do you think that the character of the buildings will be changed, and that they will erect ornamental buildings on that part?—I should think the buildings will be lighter, and certainly more architectural, when their character is altered from that of ordinary wharves for receiving vessels and landing goods from the water into that of roadside warehouses, which they, in point of fact, must be if they are deprived of the right of water.

1191. Mr. *Layard.*] Did you not purchase the water rights of the owners of these buildings?—Not at this part; at present we have not settled with these parties.

1192. *Chairman.*] Then that at present is unsettled; there is no defined settlement now as to the possession of the land in future, as to the nature of the buildings to be erected on it, or how that land is to be applied?—That is undefined.

1193. So that it might so happen that these wharves, warehouses, or whatever you choose to call them, might be of the most unsightly description, and abut on to your now roadway?—Some of them might.

1194. Now we will proceed further eastward. We then come to what is coloured a sort of claret colour; that is, the ground to which you referred

opposite the gas-works; that is reclaimed land?—This is the original line of the Embankment.

1195. But that part which is coloured claret, between the City Gas-works and the roadway, is land which I think you said had, by the Act, been now offered to the City Gas Company; is that so?—That is so.

1196. Then the Metropolitan Board of Works, and no one else, has any control over the use to which that portion of the land will be applied?—Yes.

1197. Then the City Gas-works may bring their works or any buildings, sightly or unsightly, close up to the roadway at that spot?—Yes.

1198. Are you perfectly certain, with reference to the white part, whether a dock, called the Grand Junction Dock, has not been reserved?—The tidal water is already excluded, and, on Thursday last, I was in the basin.

1199. It was reserved in the original Act, was it not?—Originally it was intended to have carried the roadway on a viaduct, and to have given access eventually by means of arches, to enable the gas people to have taken the whole in, these wharves giving an outlet here (*pointing to the plan*), so that the whole of these properties, in point of fact, would have had an inner dock, which they could have used, and their water rights would have been improved probably from what they originally were.

1200. Mr. *Tite.*] That was in the original Bill, was it not?—Yes; but since we have determined to make the roadway 100 feet wide, that inner dock, of course, had to be destroyed.

1201. Mr. *Layard.*] Have you never settled with the owners of the property on that white piece, the compensation which is to be given to them for the construction of the road, and for the deprivation of their water rights?—Not yet; it is now under negociation.

1202. I think you stated that the Government had determined that there should be a communication between Somerset House and the Embankment, and that the determination of the Government led you to make the line of road which you propose now to construct?—What I stated was this: it was understood at the time the Royal Commission sat on the question of the Embankment, that the Government thought it desirable that some communication should be arranged giving access for persons visiting Somerset House, to the Houses of Parliament, and the Commissioners indicated a line down Wellington-street on to the Embankment.

1203. You made use of the expression "The Government"; did the Government interfere, through the Office of Works, or by any other direct means?—I do not think there was any active interference or any special demand, but it was one of that kind of understandings by which you gather that it was desirable to have a communication from this point; that is my own impression, acting as a Commissioner at the time.

1204. *Chairman.*] Mr. Layard just now, in putting a question to you, described this roadway as a roadway which you proposed to construct. Now, it is not your proposal, as I gather, at all; you simply act under the Act of Parliament, and, as I collect from your evidence, you are rather opposed to the roadway than otherwise?—I suppose, the Bill being brought in by the First Commissioner of Works, representing the Government, and that Bill not only authorising but requiring the Board to carry out that particular improvement, I think I am not very far wrong in saying that the Government have expressed some view with regard to it, and that ours was a merely executive duty, to be performed without discussion.

1205. Mr. *Layard.*] Do you know whether the Government or the Office of Works took any evidence as regards the traffic in the Strand which led them to that determination?—I do not remember at this moment.

1206. In any way whatever, either through the Commission or by any other means?—I do not know.

1207. Has the Metropolitan Board of Works gone into the question of the traffic and taken any evidence on the subject?—Not as to the traffic, beyond our knowledge of the condition of the traffic generally.

1208. Then you are not prepared to state that, in consequence of evidence taken on the subject, it is necessary for the relief of the Strand, that the traffic should be divided at Wellington-street?—Well, I think it would be desirable to have some communication between Somerset House and the railway station, if possible, on to the Embankment, but the communication which has been suggested, and which it has been my duty to carry out, is not one that we can approve, because it is not in the condition in which things were left; at the time the Act passed we were prohibited from putting up any building which might screen that approach to Wellington-street, and if we had exercised our discretion in the formation of an approach there, in the absence of any means of screening that approach, we should not have made it.

1209. You say, "Somerset House and the Embankment"; you mean not a communication between the Strand and the Embankment, but a communication between Somerset House, supposing Somerset House to be occupied by Government offices and the Embankment?—Somerset House and the traffic generally; I do not mean that the roadway would be simply convenient for the Somerset House people, but it would be desirable that the parties coming down there should get on to the Embankment if possible.

1210. I presume that you could construct lateral steps from the Embankment up to Somerset House without interfering with that road?—We could construct steps to the top of the Monument if necessary, but for carriage traffic steps would be of no use.

1211. But for passenger traffic, I presume you might have a very handsome ornamental flight of steps from the Embankment to the terrace of Somerset House?—Oh yes.

1212. In the model which we have here, I see that between the upper part of this road upon the Embankment, which we are now discussing, that is to say that part where the road is to be carried upon arches, there are two deep holes between the road and the present buildings; what is the intention of the Board of Works as regards those holes. Are they to be filled up?—I suppose they must be filled up, or arranged and covered with shrubs and trees.

1213. I mean the holes, not on the river side, but on the other side; there are two great depressions. To whom do those holes belong?—They belong to the Duchy of Lancaster.

1214. Then you have nothing to do with them?—No.

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1215. They belong to a Government department?—Yes.

1216. And it is for the Government to fill up those depressions?—Yes; we have no control over them.

1217. If nothing is done, I suppose they would be places for the accumulation of dirt and filth of every kind?—Yes; they would be very objectionable, no doubt.

1218. You are, of course, well acquainted with the metropolis. Do you know any site in a central part of London which could be more advantageously employed for a great public building than that site between Hungerford-bridge and Waterloo-bridge?—I know of no site in London, and I was going to say in Europe, so suited for a public building as the ground behind the roadway on the Embankment.

1219. Supposing the Government were seeking for a place accessible to all parts of the metropolis, with a view to erecting a public building there, they could not find a better site than that?—I should think not.

1220. Do you think any site could be found in the centre of the metropolis at a more reasonable rate than that site?—The rate is not stated.

1221. I think you gave evidence as regards the value of the land there?—I took the estimate of the gentleman who is employed by the Government to make an estimate.

1222. Taking that estimate, do you suppose you could get any central site of equal value for the erection of a public building for the same sum?—It would be quite impossible to get an area equal to that, without clearing the ground of buildings, which is a most expensive process.

1223. In your opinion generally, that is one of the most advantageous sites, if not the most advantageous site, that could be found for a public building?—Clearly. You have light, air, and ventilation, and wherever you have a tidal stream you have also a current. A public building of any architectural pretensions would be a most desirable thing to be placed on the Embankment, to hide that which we have always felt to be a deformity, namely, the ragged condition of the foreshore.

1224. I wish to ask you one more question upon a point which you did not seem quite to understand the other day; supposing two persons were starting from that part of the Strand at which Wellington-street leaves it, and one person went down the Strand to the Admiralty, and another took the line along the Embankment, would there be any difference between the two routes as regard distance?—I should think very little indeed.

1225. I mean, supposing one were going from the corner of Wellington-street to the Admiralty by the Strand, and the other by the proposed road on the Embankment?—I think there would be very little difference.

1226. Mr. *Cowper.*] There has been an apprehension that this road which is intended to descend from Wellington-street to the Embankment will be a disfigurement. Assuming that the Act of Parliament is carried into effect, and that all the ground which was intended by that Act to be pleasure ground still continues to be pleasure ground, have you any apprehension that in making that road you would make anything which would be a disfigurement to the pleasure ground?—That would be a question for the Committee and the public to judge of; whether an approach of considerable length, at all events sufficiently long to master the rise of 26 feet, would be pleasant to the eye, or be consistent with the ordinary notions of propriety and symmetry of form.

1227. Looking at the model which is before us, am I right in collecting that where there are no buildings, and the ground is opened, the road will be made on a level with the ground on each side of it, by means of rising slopes of ground up to the level of the road?—No doubt, being in a difficulty, our object was to reduce that difficulty to a minimum. The model itself will rather deceive, unless you very carefully judge of the height; the slope breaks the height, and of course looks almost as if it were on a level; but practically it is not so; our object would have been to have sloped it down, to have planted it, and to have thus got rid of the difficulty as far as we could; but it would be still unsightly.

1228. You do not apprehend any difficulty in so filling up the ground on each side of the road that there will be an easy slope of green across from the road, and that the road will not remain above any of the ground in its contiguity?—No doubt there will be an easy slope, but still you have the longitudinal difficulty to master; it gradually rises up to a point.

1229. Then you apprehend that the disfigurement would be in the slope of the road from end to end, and not in its being elevated above the ground on each side of it?—And it will increase, you see, in width as it approaches Wellington-street.

1230. Then, with reference to the portion of the road which is to be carried on arches, is it not the fact that those arches will be concealed by buildings erected on the south arches?—There will be no buildings on the south.

1231. The buildings that I speak of are those which will be substituted for the Thames Plate Glass Works, which are on the south road on the south side of which, by the Act of Parliament, houses may be built?—Yes; clearly that property belongs to us.

1232. Am I right in supposing that you would naturally cause buildings to be erected upon that site?—Yes; we should dispose of that for building purposes certainly.

1233. So that it would not be possible for anyone to see the arches on which the viaduct is carried, when the whole ground has been completely disposed of and covered with buildings?—Not this portion of it probably, if you carried the buildings high enough.

1234. Then that bit of ground in front of Carter-street is also intended to be built upon?—Yes.

1235. Therefore it would follow, that no viaduct, speaking of a viaduct as a road that is carried on arches, would be visible from the Embankment?—I do not know the extent of the arch at this moment, whether it is beyond the point coloured green or not.

1236. Look at the model, and I think you will find it is quite clear that it is?—The arches would be covered.

1237. *Chairman.*] Are you not restricted from building on that portion marked green?—Oh no; we have the right to build there.

1238. Why have you a right to build on that; is that what you purchased, and is it irrespective of the reclaimed land?—Yes.

1239. Mr. *Cowper.*] So that what has been called

called a disfigurement really results in this, that there is a gradual slope from east to west, consisting of the roadway and the ground near it?—Yes, I think the arches would all be covered.

1240. Mr. *Tite.*] Concealed?—Yes, concealed.

1241. Mr. *Cowper.*] Then, as one of the objects for which the cost of the Embankment was incurred was the removal of the traffic coming from the eastward, through the Strand to Charing-cross and Parliament-street, was it not a necessity that there should be some lateral line of communication by which people coming from the east might reach the Embankment between Blackfriars-bridge and Whitehall-place?—Yes, I have already stated that it would be desirable to have a communication, if possible.

1242. As you were one of the commissioners who recommended this road from Wellington-street to Charing-cross Railway, I presume your idea was that it was the most convenient place in which you could get that lateral communication?—Yes, having regard to the gradients of the lateral streets.

1243. But supposing that the land which was intended to be left as pleasure grounds were to be used as building ground, would you then see an objection to placing a road in the position which would interfere with that building?—When you state that I, as a commissioner, thought that was the best approach at the time when the Commission determined that matter, of course the whole question dealing with that area of ground reclaimed was undetermined, and I naturally supposed that a portion, at least, of the ground so reclaimed would have been built upon, first, with a view of giving something like a return, in order to reduce the cost to the public of the Embankment, and, secondly, to put a creditable face on the Embankment itself, and not to leave offices and wharves of every possible description in a ragged and unsatisfactory condition, when we had erected the retaining wall and a splendid roadway, which the Metropolis might be proud of, I did not foresee that the whole thing was to be spoilt by the background being left in a condition which was unsatisfactory to everybody. When the Commission had reported a Bill was introduced into the House, and the whole of the ground so reclaimed was directed to be kept as gardens, so that we had no means of screening any approaches, or could help bringing it down in its naked deformity on to the Embankment.

1244. Assuming that the ground which was intended by the Act to be left as pleasure ground still continues as pleasure ground, can you suggest any other lateral communication which would be as good as the one proposed from Wellington-street to the Charing-cross Railway?—No; if you must have a communication with that part of the Strand, undoubtedly that is the best communication, having regard to the gradient.

1245. Although the line from Norfolk-street or Essex-street might answer some of the purposes, yet a good road from either of these streets would involve a very large expenditure, in the purchase of the houses on both sides of those streets, in order to settle the proper gradient?—No doubt; in Norfolk-street you see you are getting a long way back toward Temple-bar, and you are not giving relief to those parts which it was anticipated at the time would be relieved.

1246. If, then, assuming that we were to substitute another lateral communication on the west of Somerset House, should you think it advisable to buy up the houses in one of the existing streets and make the lateral communication there?—No, I do not think that that approach is so important as to justify that public expenditure.

1247. Would the object that is sought by this Wellington-street communication be attained by a road either through Northumberland House-garden or near it?—Well, that proposed line through Northumberland House is to give access from Charing-cross; it is to take in a distinct and separate traffic to that which you are pleased to call the viaduct. All the western traffic must go round Whitehall-place to get on to the Embankment. Supposing they are desirous to go to the City they must make that angle, which is very inconvenient, instead of passing on to the Embankment directly, supposing it was to be carried through Northumberland House.

1248. We may assume, then, that any vehicles which would find it convenient to make use of Wellington-street would not find any advantage whatever in making use of Northumberland-street; they would be coming from east to west or from west to east, and would not be assisted by coming down from Charing-cross on to the Embankment?—I do not think the east traffic proceeding west (I am now speaking of traffic proceeding west of Charing-cross) would use the Embankment at all, because it would be one-third greater distance, in the first place, to travel than going directly down the Strand, because you must remember that immediately this roadway from the Parliament House up to the Mansion House is completed, it will relieve immensely the Strand, Fleet-street, and all those other streets where the traffic is now so crowded. Therefore the traffic passing down the street westward would not be so inconvenient as now.

1249. Cabs starting from any point between New Bridge-street and Charing-cross would be helped by the Wellington viaduct, if they were going to Parliament-street, but they would not be assisted by a street that passed from Charing-cross to the Embankment by Northumberland House?—No, it would be no use to them.

1250. Do you think that if this present Wellington-street viaduct were omitted without a good substitute being found for it, it would be inconvenient?—Well, I think there would be a convenience from the construction of it, but unless you can in some manner screen it, it will be a disadvantage; independently of which it must always be borne in mind that the formation of that approach, whether from the point of the Strand or from Wellington-street, diminishes the value of the land, that might be appropriated for public purposes.

1251. That is for building purposes?—Clearly.

1252. *Chairman.*] Did I not gather from your evidence with reference to the possibility of combining, if it was found necessary, a roadway with buildings on that site, that you thought the roadway instead of bisecting the ground, as it does, in that red line, supposing the land was appropriated to building, might come at the back of those buildings?—We proposed to form that crescent not in front of the roadway but at the back of the road, but so to arrange the elevation as practically to get rid of the gradual rise which would be so offensive to the eye.

1253. Mr. *Cowper.*] What is the gradient of the red line; is it 1 in 57?—It is 1 in 35.

1254. Do you think that a rise of 1 in 35 is a

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thing which is offensive to the eye in itself?—Well, it is not a long line, you see; you have a fine level line by the Embankment wall, then you are cutting off a considerable length which would be offensive to the eye.

1255. The upper part where the gradient is steep is to be concealed by houses?—No doubt where the arches are that would be concealed, but still there is a considerable length of approach before you get to the houses.

1256. Then what I understand is offensive is seeing a road which rises at a gradient of 1 in 47?—Whether 1 in 47 or 35 would not matter; first of all, your base, which I take the retaining wall of the Embankment to be, is in a straight line; then you have houses at the rear, and a line running diagonally against both, which must be offensive to the eye.

1257. Would a road in Constitution-hill become offensive to the eye if, instead of 1 in 58 it were 1 in 45?—Well, the conditions are not equal; in Constitution-hill you have a small rise which is unobservable, but to persons passing up the river, as I said before, you have a given line as a base, and then at the back of you a gradual rise; you have also a line cutting through a building at an angle with the base line, which would be offensive. It may be a want of taste on my part, but that is my impression.

1258. Would not the building in front, that is, to the south of the red, break that diagonal line which seems to disturb you?—To the extent of the arches, no doubt it would, but that is a small portion as compared with the whole.

1259. You were asked about a hole which is shown upon that model, in the property of the Duchy of Lancaster. May we not expect that the Duchy of Lancaster will utilise that land by erecting buildings upon it, and that therefore the hole will cease to exist?—It is impossible for me to say what the Duchy will do.

1260. But assuming that they have common sense, will they not do it?—Assuming always that they have common sense. But some people who have common sense, do not always act up to it.

1261. With reference to a question that was asked you in your previous evidence about the reasons for abolishing the veto which the original Act of Parliament gave to the First Commissioner over works executed by the Metropolitan Board of Works, to the value of more than 50,000 *l.*, you stated that that veto was abrogated in consequence of a dead-lock having arisen; I wish to ask you whether the veto that was exercised by the First Commissioner of Works upon your plan of June 1856, was not justified on his part by an assertion that the outfall proposed by your plan was within the boundary of the metropolis, and therefore contrary to the Act of Parliament?—I suppose, strictly speaking, that was so; it was just on the boundary, but I suppose a few feet would have determined it either one way or the other.

1262. Then the second veto, which was exercised in the later period of the same year, 1856, was justified by the First Commissioner on the ground that the outfall, though outside the boundary, was so near it, that it still was in contravention of the terms of the Act of Parliament?—I do not know that the First Commissioner justified the veto, but he alleged that as his reason.

1263. Then you adopted his suggestion of putting the outfall at a distance of 15 miles from St. Paul's, near Raynham Creek, and in your third plan submitted to him you placed the outfall at a place which he had recommended?—I think he proposed to go very much further down the river.

1264. Did not the dead-lock arise in this way; that the First Commissioner of Works, instead of simply expressing approval or disapproval of the third plan, summoned to his aid three engineers, who proposed a plan, which plan he submitted for the approval of the Metropolitan Board?—Yes; that is one part of the history of it.

1265. So it would seem that the dead-lock arose from the First Commissioner of Works having changed places with the Metropolitan Board, and instead of signifying his approval or disapproval, he submitted a plan to the Metropolitan Board for their approval or disapproval?—That was, undoubtedly, one part of the difficulty which tended to increase the dead-lock to which I referred; but it was not the whole history of the case, neither did it produce the result which I described to the Committee.

1266. But supposing the First Commissioner of Works had kept within the part assigned to him by the Act of Parliament, and upon your third plan had either approved or disapproved, the dead-lock which subsequently occurred from his suggesting a plan of his own would not have arisen?—The difficulty his plan suggested would not have occurred, but the dead-lock would have occurred.

1267. On the two previous occasions when he exercised his veto there was no dead-lock, but since he refused his assent to two plans, the Metropolitan Board proposed to submit a third plan?—What I understand by a dead-lock is this, that the executive, clothed with power to carry out a particular work, subject to the veto of A, were stopped in their progress, and prevented discharging their statutory duty by reason of the exercise of a veto which A had vested in him.

1268. I do not know whether I am right, but it occurred to me that it was not so much the exercise of his veto that made the dead-lock, as his submitting a plan of his own which the Act of Parliament did not empower him to do?—No doubt, if I may venture to say so, he went beyond his statutory power. He ought either to have approved or disapproved. That aggravated the mischief, undoubtedly; but it was not the whole of the mischief of which we had to complain, and which brought us to a dead-lock and prevented these large public works being carried out.

1269. Mr. *Tite.*] I believe that at present the Metropolitan District Railway Station is exactly opposite the end of Norfolk-street?—I believe it is.

1270. Do you apprehend that it is to be a building erected on the vacant ground, of the usual height and character of a railway station?—So I understand.

1271. Does it appear to you to be an inconvenient place for it?—Well, I do not think it is an inconvenient place as far as the railway itself is concerned.

1272. My question has more reference to the placing the Law Courts here; supposing the Law Courts are to be on the Carey-street site, as it is called, then the railway station would be tolerably conveniently

conveniently placed, as regards the courts of law, would it not?—Yes.

1273. But at the same time, the access would be by Essex-street or Arundel-street?—Yes; it is not quite at the end of Essex-street, it is at the end of Norfolk-street.

1274. The centre of the building is opposite to the centre of Norfolk-street?—That is so.

1275. There is a piece of vacant ground on the Thames Embankment at that point between Essex-street and Arundel-street?—Yes.

1276. I believe you have had a suggestion made by myself, that that site should be appropriated for a portion of the offices of the New Law Courts?—Yes.

1277. That would necessarily involve the widening of Essex-street and the widening of Arundel-street as part of the scheme?—Yes.

1278. It was supposed that a site could be found there for the Probate and other offices at a much less cost than the 700,000 *l.* that was supposed would be spent in enlarging the present area?—Yes; I believe that was so.

1279. Your mind evidently being that there should be some communication from the Strand to Westminster, and as you evidently seem to be disinclined to continue the proposition of taking it from Somerset House, would not Essex Street and Arundel-street be very convenient points, so as to diminish the traffic along the Strand and save distance up to Westminster?—It would save distance in going up to Westminster from that point undoubtedly, and would somewhat diminish the necessity of an opening from Wellington-street to the Embankment. Still, there is a considerable distance from Wellington-street up to Essex and Arundel streets, the whole length of Somerset House and the land beyond.

1280. Would it, in your opinion, be a convenient or an inconvenient place of access; it is, of course, west of the Temple, and very near the proposed site of the New Law Courts, and would at once cut off all the traffic going by Saint Clement's church into the narrow part of the Strand?—I think if the Law Courts are built at the point indicated, at the part cleared, the Carey-street site, some communication must be made from the Strand, near to that point, with the Embankment.

1281. Of course the means which would be obtained by purchasing the waste land there of the Metropolitan Board would have the double advantage of getting rid of the hideous sight of these ragged buildings, and of furnishing you with some means towards a public improvement?—Yes, no doubt it would utilise that portion of the ground.

1282. You have a right to sell that ground now, I think, between Essex and Arundel-streets?—Yes.

1283. Presuming that the greater site were used for the Law Courts, do you, or do you not, think that it would be desirable to have some convenient communication with the Strand at some tolerably near point, because if that land which is coloured red and green on that plan were occupied by the Law Courts, of course the access to Wellington-street would be at an end; do you think, then, that you could obtain a reasonable communication by means of Essex-street and Arundel-street transferring the cost of that red road which you have there, to the improvement of that approach?—No doubt if you mean by the larger plan, the Carey-street side, I think it is absolutely necessary that there should be a communication from the Strand at or about that point.

1284. If that were so, supposing the Law Courts were built on the site suggested by an honourable Member which will be discussed to-morrow, do you think that communication would be necessary notwithstanding?—Clearly.

1285. Mr. Alderman *Lawrence.*] Was it not the unanimous opinion of the Commissioners appointed to inquire into the best mode of embanking the Thames that the land reclaimed should be left as open space for the advantage of the public?—No, it was not my opinion.

1286. Was it not embodied in the Report of the Commission that the part which was reclaimed should be used as open space?—I think not; I should not subscribe to that view.

1287. It was the general opinion of the Commissioners that as much open space as possible should be kept for the advantage of the public, from the land which was reclaimed?—Yes, by the Commissioners who signed it, clearly.

1288. Is there not a very jealous feeling, and, I may say, a growing feeling, on the part of the inhabitants of this metropolis with respect to preserving as much as possible every open space which exists?—Undoubtedly.

1289. In your opinion, whatever alterations may take place with respect to the communication with the Embankment, and with respect to the erection of any public building adjacent to the Embankment, ought not the space which is now allotted as open space to be still retained for the advantage of the public?—I think a portion of the reclaimed land might, with great advantage, be given up for building purposes, having regard to the fact that you have a roadway of 100 feet in width. You have the whole area of the Thames, which of course would be a splendid open space for the health and recreation of the public, and I do not think that the abstraction of that part of it for building purposes would be a metropolitan injury.

1290. *Chairman.*] Would you see any difficulty whatever in combining the two, that is to say, from the conformation of the ground would there be any difficulty in so arranging the buildings that perhaps the most effective building you could get would be a public building, with a public garden in front of it?—Yes, but I am speaking now of the apportionment.

1291. So that laying out the ground on that principle, you would acquire a fit site for a public building, and assuming that the Commissioners wished this plan to be kept up with regard to recreation purposes, a large portion of it might be so kept, and at the same time would be more ornamental than it would otherwise be?—Yes.

1292. Mr. Alderman *Lawrence.*] Am I to understand that in your opinion you would advise a portion of the open space to be utilised for a public building, rather than for the present building adjacent to the Embankment, to be sufficiently cleared away and demolished, so as to allow space for a public building that might be intended to be built adjacent to the Embankment?—I should have no objection to a portion of the reclaimed land being used for that purpose. I apprehend that if a public building were placed there it would not be brought up to the roadway, the 100 feet way, but would be set sufficiently back to have it ornamentally arranged in front, so as to make it extremely pleasant, and so as to put

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put a better face on the Embankment, and, I might venture to hope, improve the public taste, by preserving buildings of a public character, instead of buildings used for wharves and things of that kind.

1293. *Chairman.*] Alderman Lawrence has spoken with reference to the interest of the dwellers in the metropolis having open spaces and recreation grounds; there is another consideration, is there not, namely, the question of the rates; if a portion of this land were devoted to building purposes, the probability is that whoever used it would have to pay a certain sum for it, which would go, *pro tanto*, to the diminution of the expenses of this Embankment, whether from rates or any other sources?—No doubt; no one having any regard to the health of the metropolis can argue against the propriety of open spaces, but we must have regard to the cost of those improvements; and from the fact of the cost of those improvements being entirely borne by the ratepayers of the metropolis, they should be reduced whenever we can reduce them, by availing ourselves of some open space existing; otherwise the same doctrine would prevent us building on the other side of a public street which we are making. If we clear away the houses on one side of the street, if that doctrine were to be legitimately carried out, we should not be able to cover those open spaces which we have.

1294. Mr. Alderman *Lawrence.*] Then if that principle were thoroughly carried out, a much larger sum would be realised if the whole of the space recovered from the Thames by the Embankment were utilised for buildings?—I have not expressed an opinion that the whole of the space should be utilised.

1295. But undoubtedly a much larger sum would be obtained?—Undoubtedly; it is a question of degree.

1296. If it were possible to build a public building between the land which has been obtained by the Embankment and the Strand, would you not advise the public building to be placed so far back that the land would be still left, and the public building being placed upon higher ground would be seen to greater advantage than if placed on the level ground reclaimed by the Embankment?—That is a question of taste. I have no objection that a small portion of the reclaimed land should be given up for that purpose.

1297. When you say "a small portion," can you define the small portion of land which is to be given up which was originally intended for public use?—If you ask me the question, "Are you prepared to agree to the utilisation of all the land reclaimed from the river, except the area of the road"? I should say, "Most certainly not." If you ask me the question whether, having regard to the difficulties in the metropolis in carrying out improvements by reason of want of funds, I would use a portion of the land so reclaimed, and so recoup the metropolitan exchequer, I say I am ready to adopt that course.

1298. You look at it as entirely a question of funds, not as a question which is the most advisable for this metropolis?—Unfortunately for public bodies as well as for private individuals, the question of funds is a very important question.

1299. Then, not looking at it as a question of funds, but supposing it would not realise any more funds by using this portion of the ground than clearing away the back property, which would you advise?—I do not quite understand your question.

1300. My question is this, supposing you could clear away the whole of that back property which you say is of a bad description, and of a disjointed character, and build the public buildings which you wish to build, and buy the land adjoining to it, it not costing more than using the land, would you advise that proposition to be carried out?—It is quite clear, and the honourable Member will see at once, that a proposition for removing all these houses, and clearing the ground, would cost more than using the open space.

1301. But I will suppose that it does not?—The supposition amounts to nothing; it could not be carried out as a practical fact.

1302. Am I to understand that this opinion is your own opinion, but not an opinion which has been tested in any way by any resolution of the Board of which you are chairman?—No, I am simply expressing my own opinion.

1303. And in expressing that opinion, you are entirely guided by the question of the expense upon the metropolis, and the rates which would fall on the inhabitants?—That undoubtedly is a very serious element.

1304. Then I beg to ask the question whether the proprietors of the land adjoining the Thames Embankment, to whom portions of the land which has been reclaimed have been apportioned, have the power of building upon that land?—No.

1305. Then it has been very carefully provided by the Act of Parliament under which this Embankment has been made, that the land so reclaimed shall not be built upon by parties to whom the land has been apportioned?—I think that is clearly so in all cases.

1306. Mr. *Layard.*] Not in all cases; has not Lord Salisbury, under the Act, a power of buying that piece of land between Salisbury-street and the Embankment, and building upon it?—There are some exceptional clauses. There are special clauses with regard to the Duke of Northumberland, Mr. Drummond, the Duke of Norfolk, and the Marquis of Salisbury, but I cannot carry them in my head at this moment. I believe there is an arrangement with reference to the property of the Marquis of Salisbury that he can build on a small portion, but it is very small indeed.

1307. *Chairman.*] I think you stated a short time ago that the City Gas-works could build?—I am just about to read part of a section in the 27th & 28th Victoria, c. 61, the Metropolitan Railway Act, with reference to the gas-works. "No buildings, or other erections, shall be placed on any land reclaimed and inclosed under the power of this Act between the Embankment, so to be made, and the present left bank of the river without the consent of the Board in writing under their common seal, unless for such stations and other necessary works as are hereby expressly authorised, or, as shall be made with the approval of the Metropolitan Board of Works as hereinbefore provided, and such buildings as may be reasonably required by the City of London Gas Company, for the inoffensive conduct of the business of that Company, not being buildings for the manufacture and storage of gas; but the plans and elevations of buildings so required by the City Gas Company shall, previously to the execution thereof, be submitted to the Board for their

their reasonable approval." That clause we got inserted specially when the Bill was before the House.

1308. Mr. Alderman *Lawrence.*] Does not that apply to the buildings they possessed before?—No; you cannot control a man's freehold.

1309. Am I to understand that you are of opinion that a portion of the land might be utilised for building purposes, and the portion which is now to be allotted to the public as open spaces be diminished in quantity for that purpose?—In proportion to the land which you utilise, clearly; it is a logical sequence.

1310. Do you not think that a great error has been committed in permitting the St. Thomas's Hospital to be built so close to the Embankment on the southern side that no roadway has been left for carriages to drive in front of it?—The Board were anxious at the time to have had a different arrangement, but we consented to a footpath in front of St. Thomas's Hospital, having a road at the rear, running simply the width of the hospital, between the hospital and the water of the Thames, so that in point of fact there is a roadway, which roadway has been very much improved.

1311. My question is not whose fault it is, but do you not think an error has been committed in having that public building so near to the Thames that there is no public carriage drive in front of it, between it and the river?—I cannot say that an error has been committed by anybody; you have a splendid roadway in the rear, running parallel with the river within a few yards, comparatively speaking; a roadway therefore in front is quite an unnecessary consumption of ground, and it would clearly interfere with the character of the building to be placed there, to have a road both in the rear and in front. It would have made it extremely unpleasant for the patients of that hospital, and I do not know that the present arrangement is not the best.

1312. Lord *Sandon.*] Of course no one has a better knowledge of the requirements of the metropolis than you have; you are aware, of course, of the enormous difficulty of getting open spaces in any part of the town which is densely peopled; therefore we may consider it impossible to create any more open spaces for the masses in the centre of the town?—No doubt.

1313. Therefore all hope of creating this sort of place, parks or gardens, even on a small scale, is confined to the suburbs, many miles from the centre of the town?—Yes, all we can do is to preserve those which already exist.

1314. Would you not agree with me in saying that the district which lies due north of the Thames Embankment from Hungerford Bridge to Blackfriars Bridge is about the most densely populated part of London?—The population is very dense indeed.

1315. And of a very poverty-stricken and wretched character in many parts?—Yes, in many parts.

1316. Would you agree, with regard to this portion of the Thames Embankment, that the primary object should be, not so much to make it a carriage-drive, and a place of enjoyment for the wealthy, as a place of enjoyment and healthy recreation for that very densely-populated district?—I think we are combining both by the arrangements we have made.

1317. There are two arrangements, one the roadway, No. 1, and the other the roadway, No. 2, which would be absorbing a good deal of the space for carriage traffic; would you not, therefore, agree with me that it is very desirable to keep every inch of the ground that you possibly can for the purpose of the recreation of the million, instead of using it for building, considering that buildings might be equally well placed, though at some increased expense, on the site of the forlorn-looking structures which abut on the old river line?—Of course I should be glad to retain all the open places in the metropolis, but I must have regard to the position of the river; the present frontage of the river is disgraceful to the metropolis. Then, having regard to the enormous cost at which these metropolitan improvements are carried out, you cannot entirely disregard the financial aspect of the question.

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1318. Am I not right in thinking that you will agree with me that the condition of the vast population of the places north of the Embankment, with regard to health of mind and body, is of greater importance than the advantage which would accrue to the City, of having stately buildings on the banks of the Thames?—That question assumes that nothing is done for the health of the inhabitants of that large and densely-populated district; but we have formed a roadway, and have formed footpaths very much wider than they are usually formed, for the purpose of giving the public access for the purposes of health; I do not propose that they should take the whole of the ground, only a portion of it.

1319. Will you kindly give me any comparison with regard to the acreage of the land which you propose to give up for public enjoyment on the Thames Embankment with, say, St. James's Park?—I do not know that; my point is first of all to have some building there which will screen that which I have described as a discredit to the metropolis, and I am prepared, in carrying out that view, to give up a small portion of the reclaimed land for that purpose; but I am not prepared to give up the whole.

1320. It is, in fact, a question of money, a question whether the metropolis can afford to buy the land for its public buildings, or whether it must encroach upon the reclaimed land, which, I think, should be kept guarded for public recreation?—It is a question of money, and a question of taste.

1321. I think, as a question of taste, we may put it aside, because everybody will agree that you can place your public buildings equally well at the back as you can at the front?—Only I want to know how that frontage is to be covered with creditable buildings unless you take some portion of the land which has been reclaimed from the river for building purposes, and erect buildings of a creditable character upon it.

1322. There is only one other question which I wish to ask you, which is with regard to the approaches to the railway station at Essex-street; I think I understand you to say that you thought the Metropolitan Board of Works were not to be charged with making the approaches for the public convenience to that station; that if the railway planted its station in an inconvenient place, the Metropolitan Board of Works had nothing to do with facilitating the public access to it?—No; I did not put it in that form, because one of our duties is clearly to facilitate the traffic of the metropolis; but what I said was this, that if a railway company placed their station in the most

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most inconvenient position, as far as gradients were concerned, it was hard upon the metropolis to be called upon, at enormous cost, to give access to that particular station. On the abstract question whether it is the duty of the Metropolitan Board to facilitate the traffic of the metropolis, it is so under the Act.

1323. Mr. *McLean.*] Has clause 26 of the Act of 1862 been repealed by any subsequent Act; that is, the clause dedicating certain lands to the public for the purpose of recreation?—There is a slight alteration of it in a subsequent Act.

1324. Mr. *Buxton.*] You are of opinion, are you not, that in course of time the country will probably require large additional public buildings, besides those which it now possesses?—Well, probably that will be so.

1325. And that there will be a splendid site for them on a portion of the Embankment reclaimed from the river?—Yes.

1326. And that it will add greatly to the appearance of the river if we have some splendid public buildings on that portion of the reclaimed land?—Not to absorb the whole of the land.

1327. And it would be a great relief to the taxpayers of the metropolis, would it not, if a portion of the land were utilised that way instead of being left open?—It would.

1328. The ratepayers of the metropolis are very seriously burdened, are they not, by their rates?—They are.

1329. And very serious evils arise from the weight of the rates, which interfere with the building of houses for the working classes?—Generally, of course, if you overtax any community, you depress it in every form.

1330. In various ways the pressure of the rates is very great, and produces various evils, does it not?—It is very great in some districts.

1331. And when the Thames Embankment was made, the idea was that a portion of that outlay should be recouped to the ratepayers by arrangement; that part of the land should be set aside for building and so forth, was it not?—That was my own impression.

1332. The cost of the Embankment falls on the ratepayers of the metropolis, does it not?—Yes.

1333. And the benefit of it is mainly for those who live in this neighbourhood, is it not?—Yes; but that principle applies to all improvements.

1334. Still it would be, would it not, in your opinion, unfair to the metropolis that they should be required to make an enormous outlay merely to provide the people of this neighbourhood with extra recreation ground, one of a considerable magnitude having been provided, besides the roadway?—I think the roadway itself is a very large recreation ground, and, in addition to that, if you leave certain portions which have been reclaimed from the river, you are conferring a great boon upon the inhabitants of this densely populated district, admitting that you take a small portion for building purposes.

1335. And even if there were public buildings placed on a portion of this Embankment, was it not proposed to have parts set aside for recreation grounds, gardens, and so forth, in addition to the roadway?—It would be planted ornamentally.

1336. That would not be inconsistent with having public buildings at the back?—On the contrary, it would be consistent with it.

1337. On the whole, although you, like all others, would wish to give as much open space as possible for the recreation of the people, upon the whole, the balance of advantage to the metropolis and to the country, you think, would be that, at the back of this reclaimed ground, there should be places set aside for the erection of public buildings?—Yes; we have two objects in arriving at that conclusion. The first is to cover the condition of things which we have on that Embankment at present; the second is to get some slight return for the expense which the metropolis will be put to in carrying on this large work.

1338. Mr. *Beresford-Hope.*] Travelling back to the evidence you gave in answer to Mr. Cowper's examination, you say, you have been restricted, in laying out the green ground by the application of that road marked red; do I gather that you did not lay out that ground as you thought might be best, but merely as a makeshift, in order to meet the unsightliness of that gradually rising road?—Yes; clearly, as indicated in that model.

1339. The plan therefore that you now propose for laying it out is not what you would tender as absolutely the best?—If we had been in the first instance free, we should not have adopted that course.

1340. I suppose that if you had had your own way you would not have made the artificial ups and downs and mounds over that ground?—If we had had a series of that class of thing, in conformity with the ordinary notion of laying out an ornamental ground it would have been unobjectionable, but my opinion of a straight line rising from point *a* to point *b*, coming diagonally in opposition to the base line is, that the line at the rear would be extremely disagreeable.

1341. Looking to the ground that you are to lay out there, and looking to the possibility and desirability of its being backed by handsome buildings, would you not rather adopt the form of a rectangular terrace for forming a garden, than the picturesque form with mounds and shrubberies?—That would be a matter of taste.

1342. I was asking you whether you adopted the plan which you at present contemplate with a view of masking that part, or because you think it would be the best in itself?—If we were relieved of the obligation of the formation of that road, we should undoubtedly re-arrange the whole of the ground.

1343. You would re-arrange it as a whole?—Yes.

1344. Not with a view of hiding this or that, but with a view of distributing the whole in the handsomest and most commodious manner?—So far as the viaduct was concerned, it would be gone, and therefore would require no hiding; we should have the whole of it to deal with.

1345. You could lay it out with greater convenience either in connection with a public building or entirely as open space?—Yes.

1346. On the whole, then, you look upon the present arrangement of the land as a makeshift?—Entirely; applying the observation to that particular part.

1347. Do you conceive that you incur much additional expense by having to throw up these mounds in order to hide that viaduct?—Well, the expense would not be very much, and it is not an element of consideration.

1348. You could not give us any idea of the comparative cost?—No; I think the ground displaced

placed by the railway would be sufficient to enable us to fill up that.

1349. Now looking at the question of public convenience and recreation, is not that diagonal road almost fatal to anything like a large area for a popular recreation ground?—It would seriously interfere with its being laid out, especially for recreation grounds.

1350. It would interfere more with that than a public building would?—Well, I do not know.

1351. A public building would only occupy the one corner; it would be clear and compact; the rest of the ground also would be compact; whereas that is a line which cuts it in two, leaving only a narrow strip on each side: is not the road, therefore, more detrimental from being less compact?—No doubt; here it is raised, and the necessity of sloping it would affect a very large area of ground, probably more than the space necessary for a public building.

1352. Can you tell me in square yards or feet what the whole area of the diagonal road would be?—I will supply that information.

1353. I observe by the map that you have a white space to the east of the long green strip, which is your property for building?—Yes.

1354. Therefore, if there was any extreme necessity for providing a communication from Wellington-street to the Embankment, you might make a carriage road there, taking away one or two houses at the south end of Lancaster-place, and bringing a curved roadway, no doubt at a steep gradient, but still at a possible gradient, into Wellington-street?—The levels are so against us that we could not do that.

1355. I presume the continuation of Whitehall-place on to the Embankment is irrespective of the diagonal road; would you still propose to continue Whitehall-place on to the Embankment, if the diagonal road were done away with?—Yes; we are now forming it.

1356. Are you forming it on the same plan as on the plan before us, namely, debouching at a right angle on to the Embankment, and with a south easterly turn at the river-end of Waterloo-place?—The object of that formation is to take in the Craven-street traffic, and so accommodate the railway traffic at that point.

1357. Therefore it is irrespective of the diagonal road?—Entirely.

1358. And will be carried out?—Something in that form, even if the other were done away with.

1359. Is it also independent of the Northumberland House approach?—Entirely.

1360. In short, by dropping the diagonal road, or forming the Northumberland House approach, you would not interfere with that improvement?—On the contrary, the Northumberland House approach would enter into that; there would be a junction formed between the two lines.

1361. Have you calculated how much of the Northumberland House garden you would cut off by the plan, which you showed us early in the day?—A very small portion, indeed.

1362. *Chairman.*] I think you said, with reference to that, that it was almost inappreciable?—It is very small indeed.

1363. Mr. *Beresford-Hope.*] To whom will that long white strip to the east of Somerset House, and to the west of the Temple, belong?—That is vested in the Board on behalf of the public, to be laid out for public purposes.

1364. Have you power to build upon it?—No.

1365. It will be dedicated to the public for the purposes of public recreation?—Yes.

1366. Then that is an additional place for public recreation?—Entirely so.

1367. I did not gather whether you said that the Temple has power to build over the ground which vests in it, or whether it is to be kept open?—It is to be kept open.

1368. In addition to the Temple gardens?—Yes.

1369. Then as the Temple gardens are very liberally open to the public, that again is an addition to the public recreation grounds, or may be so?—Yes; and though the public might not have access to it, it is still an open place in the centre of the metropolis.

1370. Then it is not until we get to that place by the east of the Temple and west of the gasworks that private persons can build *ad libitum* close up to your Embankment roadway?—The reclaimed land in front of the wharves now under consideration of the Board will not be built upon.

1371. It is not allowed to be built upon?—It would not be brought out beyond the general line.

1372. I think you said that the land in front of the gasworks might be built upon?—No, they are prohibited from building on that; there is to be an additional wharf.

1373. Mr. *Layard.*] They are prohibited from building without permission of the Board of Works?—Yes.

1374. *Chairman.*] You read a clause, I think, which distinctly said that they might build, subject to your approval?—We had that clause inserted for the purpose of being able to refuse it.

1375. Mr. *Beresford-Hope.*] I suppose you apprehend that whatever course might be adopted with regard to the Law Courts, Essex-street must be widened and brought down to the Thames?—Yes; there must be some approach from that point.

1376. Therefore you infer, considering the satisfactory character of buildings in London now, that buildings of a creditable character will, in all probability, be put upon that site?—Yes, they ought to be, clearly.

1377. And probably will?—Yes.

1378. Supposing the Law Courts are carried out in Carey-street, should you have any control over the design of the buildings so erected, or are they exclusively to be built according to the taste of the people who build them?—All lands that the Board disposes of for building purposes they have always retained the control over, with regard to the elevations, and things of that kind.

1379. May I ask, as a fact, is that a dormant or an active power on your part?—An active power.

1380. You attach value and importance to the architectural character of the buildings put upon your ground?—Yes; they have to submit their elevations of the houses, and those are agreed to by resolution of the Board, and signed by myself.

1381. Have you any particular architectural adviser, or is it the general good taste of the Board which decides the question?—Mr. Vulliamy is architect to the Board.

1382. He is the adviser on such questions?—Yes;

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Yes; and we have several architects of eminence on the Board.

1383. Mr. *Layard.*] I do not understand you to say that you have any control over buildings erected on private freehold land?—No; I refer to land which we ourselves have disposed of.

1384. Mr. *Beresford-Hope.*] You always make a rule of disposing of it, subject to your approval with regard to the elevations and things of that kind?—Yes; in all our new streets we reserve in all cases that right.

1385. There is one question about that crescent; I suppose that is not a design which you desire to carry out, or which you wish to see taken up again?—That is a point which is, of course, dropped.

1386. It was tendered by Mr. Vulliamy under particular circumstances, which do not now exist?—Well, we were anxious to do that which I have pointed out so many times to the Committee, namely, to cover these houses at the rear. If the roadway is to be got rid of, of course one part of our reason drops. With regard to the roadway itself, of course the Committee will take its own view of the case. I do not know whether they have rightly appreciated the position in which the Board is placed at this moment; I stated in my previous evidence that we had served notices on certain parties, and, in answer to those notices, we had received claims for very large amounts, which will, no doubt, when they come before a jury, or an arbitrator, be very greatly reduced; but several other claims having been sent in, of course we are under contract, and it is a matter of great moment to the Board that we should know as soon as possible what the disposition of Parliament may be with regard to this roadway. I have stated also that we have no desire to carry out this roadway, but we are carrying it out in obedience to an Act of Parliament. I suppose nothing less than an Act of Parliament would relieve us from the obligation of a contract into which we have entered; because, under the Lands Clauses Act, immediately you serve notice to take, it becomes a contract, and the parties can compel you to take, and may give you notice to summon a jury or an arbitrator for the purpose of deciding what compensation is to be paid. I do not know what the Standing Orders may be with regard to passing an Act this year relieving the Board from that liability; but it is a very unusual state of things, and probably has never arisen before, and if a course were taken without much delay, and before any of the parties who have been served with notices have acted upon those notices by taking premises elsewhere and entering into contracts themselves, to accommodate their professions or trades, then no serious injury will be done to the parties by merely withdrawing the notices; but if delay takes place, then parties, having received a notice, and having entered into a contract which they themselves can enforce, may take steps for the purpose of securing for themselves buildings in which they can carry on their trades or professions; I merely name that, because it is quite clear that the Board will not be able to fence these parties off; they having given us notice, we must proceed with our work; I hope the Committee will forgive me for putting that forward, because it is really the pith of the whole question, so far as this approach is concerned.

1387. Mr. *Sclater-Booth.*] In reference to the statement which you have just made on the part of the Metropolitan Board of Works, can you, within a reasonably short time, present to the Committee a scheme such as you would suggest should be substituted for the road which you are under a contract to construct, and carrying out, as you have stated your wish to be a division of the reclaimed land between building purposes and recreation purposes?—I do not think we could present any scheme for an approach from Wellington-street to Craven-street; supposing always that this particular scheme is dropped, I do not think we could present any scheme which will really give an available approach from the Strand by reason of the imperfect gradients which exist; therefore it will be simply a question as to the disposition of the ground.

1388. Do you mean to say that from your point of view you would desire that this inclined roadway should be dropped, and there should be no substitute for it except such lateral approaches as you can make from the streets leading down from the Strand?—I think that is clearly the best road that can be made with a fair and reasonable gradient. As far as we are concerned, of course we should rather apply the funds for the purpose of forming an approach from Charing-cross, to give relief to the western traffic finding its way on to the Embankment going to the City.

1389. Then, supposing Parliament were immediately to relieve you from the necessity of making this inclined road, you, in your judgment, would propose nothing by way of a substitute for it?—We cannot; it is physically impossible.

1390. I understand you to say that the communication from Whitehall-place and from Craven-street is in process of formation, and will be undoubtedly carried into effect?—From Whitehall-place clearly.

1391. And from Craven-street?—Yes.

1392. That being so, do you seriously contemplate the advisability of spending a sum of from 200,000 *l.* to 400,000 *l.* in making a roadway between these places to connect Charing-cross at right angles with the Embankment?—I have said before it is absolutely necessary to have some approach from Charing-cross other than the approach through Whitehall-place. It is very inconvenient for all the western traffic to come down that narrow street with an incline, and come round by Whitehall-place to get down to the Embankment.

1393. What western traffic wants to go down the Embankment at right angles?—I think all the western traffic passing through Trafalgar-square anxious to go to the City will necessarily select the Thames Embankment route.

1394. Why should they do so after the Strand has been cleared of a great portion of its traffic?—Because it is clearly the nearest way. In the first place, they get rid of a hill; you have in the one case, Fleet-street and Ludgate-hill, and you have a narrow inconvenient roadway, while in the other case, you would have a roadway of 100 feet along the Embankment.

1395. Then, after all, it would be limited to the western traffic coming from Charing-cross and requiring to go as far as the Bank, because there is no other convenient mode of getting back into a great thoroughfare?—Yes.

1396. Will the cost upon the ratepayers of the metropolis be very considerable for the accommodation of that limited traffic?—No doubt.

1397. Seeing also that there is a railway at Charing-

Charing-cross to carry a great portion of the traffic?—At present, apart from any funds that might be derived from disposing of any portion of the land, we really have not any funds for carrying out that approach from Charing-cross.

1398. With regard to this crescent which is shown on the plan, do I understand you to say that you have now power to carry out that crescent?—No.

1399. That crescent was designed to stand upon a portion of the reclaimed ground?—Yes.

1400. And you have no power of building upon the reclaimed land at all?—None.

1401. Supposing buildings were placed on the reclaimed land, and supposing they were placed at the back of the reclaimed land, that is to say, at the point nearest to the existing buildings, they must be of an enormous height, must they not, in order to have any effect from the river?—Yes, of course, if they were public buildings they would be buildings of a considerable height.

1402. But no public buildings of an ordinary height would have any effect from the river, seeing that they would be placed back from the river at a distance, I suppose, of 200 yards or more?—Not quite so much as that.

1403. Do you contemplate that public buildings set back from the edge of the river could be constructed of sufficient height to conceal the whole of the unsightly buildings that stand upon the proper bank of the Thames?—Yes, I should think the height probably of the buildings now existing would range from 15 to 20 feet.

1404. I do not quite understand you?—The present line, or, rather, the line of the Embankment prior to the new formation, is higher than the bed of the river; that height would vary from 15 to 20 feet, and that is the building you would have to screen.

1405. Should you not expect your new building to conceal, for instance, Adelphi-terrace?—No, not necessarily.

1406. Would you intend to show the Adelphi-terrace buildings above your new buildings?—Not necessarily to show them, but they might be higher than the buildings, and I do not know that there would be any objection to that, because the ground gradually rises up to Seven Dials.

1407. If you do not show them, do you not think, as a matter of taste, there would be some difficulty in designing the buildings set back from the river, which would be dwarfed by the Adelphi-terrace and the enormous roof of the South Eastern Railway Station?—That depends a great deal upon the character of the buildings.

1408. In the event of Parliament sanctioning an appropriation of this reclaimed ground for public buildings, would you expect that the persons erecting the buildings should pay you the full market value of the site?—Clearly.

1409. That would amount to a very large sum?—No doubt.

1410. You would not expect that, because the buildings were for public purposes, therefore the Metropolitan Board should not be paid the full value for the site?—Clearly not.

1411. *Chairman.*] There is an old saying that half a loaf is better than no bread; in your present position you have no bread at all with regard to this land; that is to say, you can dispose of none of it for public buildings?—Exactly; but the time for negotiation has not yet arisen.

1412. Captain *Dawson-Damer.*] Even if the Carey-street site is still chosen for the Law Courts, is it not necessary to have communication with the Strand from the Embankment, either by Arundel-street or Essex-street?—Yes, I think there must be some communication.

1413. Mr. *Dilke.*] With reference to the lateral communication you spoke of just now, and one of the changes proposed causing the widening of some of the streets, can you tell at all what would be the cost of the viaduct by reason of the waste of land?—Supposing the land were to be sold for building purposes, the question is, what would be the reduced value of the land by reason of this viaduct.

1414. That is my question?—I have not gone into that matter, it is a question of calculation of the width of the road and the slopes, and how it prevents your disposing of the other land for building purposes.

1415. It is material to the present inquiry, is it not?—I will supply that information to the best of my judgment if you will permit me to do so.

1416. Mr. *W. H. Smith.*] You said that an approach by Essex-street is absolutely necessary in your judgment?—Yes, I think it will be still more necessary if these buildings are erected.

1417. That will take all the traffic coming west from any point east of Essex-street?—Yes.

1418. If there is an approach also at Wellington-street, that approach will only take the traffic in that case arising between Essex-street and Wellington-street, or coming north from Wellington-street?—If you stop the traffic of the Strand at Essex-street, you are diverting it from using the Wellington-street line.

1419. At Wellington-street you would only have the traffic as between Essex-street and Wellington-street, or as between Endell-street and the north of Wellington-street, which would be small?—All persons coming down the lateral streets into the Strand would probably use that approach.

1420. Wellington-street is only a thoroughfare north and south; it is not a thoroughfare as from north to west at all, because the traffic coming from the railways, from Euston-square terminus and the Great Northern terminus, finds in Holborn, or in High-street, south-west streets running through Seven Dials and to St. Martin's-lane, taking that traffic south-west and west; Wellington-street is merely used as a north and south road, not in any sense as a road for the convenience of passengers living west of Charing-cross?—No; all traffic due from the area north and south of Holborn, for example, would not necessarily come down to that point there to go to the City; they might take another line, and it would be merely the east and west traffic.

1421. So that the road which is proposed to be formed from Wellington-street to Hungerford would be a road simply for the purpose of the traffic arising between Essex-street and Wellington-street, or between Endell-street on the north; that is between Holborn, as the extreme point north, and the Strand?—It would, of course, be a question of convenience whether a party driving past the end of Essex-street would say, "I will turn down Essex-street and get on to the Embankment, in order to find my way to the Parliament House;"

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House;" or, "I will go straight on, and go by the more direct route."

1422. You can only speak of probabilities, but it is probable that a person would prefer the Embankment drive rather than the narrow drive through the Strand and Wellington-street?—No doubt the temptation will be to get on to the Embankment as soon as possible.

1423. Then it will come to this, that if the approach is made by Essex-street, which you declare to be absolutely necessary, the approach from Wellington-street becomes of very much less importance?—I think it is of less importance.

1424. The remar7 is merely confined to the traffic arising between Essex-street and Wellington-street, and between Holborn and the Strand, which are not points developing a great amount of traffic?—No doubt that would be so.

1425. Then as far as the approaches west of Whitehall-place are concerned, has the Board any power to make any approach to the Embankment for carriages, west of Whitehall-place?—No.

1426. Therefore all the carriage traffic coming from the City must be turned out into Whitehall, under the present arrangement?—We are now considering a proposition for opening a communication from Derby-street next to the new club in Parliament-street, over some ground which we have purchased, which was previously occupied by wharves, and it is a question whether we can make a communication through that.

1427. You have power to make it?—Yes, it would be over our own ground, but we have no power to take down the red line.

1428. It would be most desirable that there should be an approach as nearly as possible to Great George-street and Westminster-bridge?—Yes, I think it would be a desirable thing, if the cost is not too great.

1429. The use of the Embankment will be very considerably restricted if all the traffic is to be turned out at Whitehall into Whitehall-place?—They have an approach at Westminster-bridge.

1430. Only for foot passengers?—Oh no, a carriage road is contemplated of 100 feet in width.

1431. Mr. *Cowper.*] Is it a fact that the reclaimed land which is not to be built upon, which lies east of Hungerford-bridge, and which is marked green in the map, amounts to six acres?—Six and a quarter acres, I think.

1432. Then supposing that a public building were erected upon that site, would any land be left worth using as recreation ground?—Well, I think it might be laid out ornamentally.

1433. I mean as to the extent; supposing half of it were taken for public buildings, would not an area of three and a quarter acres be a very small area for the recreation of the public?—Even as it stands now, I do not suppose you could have a cricket ground there; neither could you devote it to many other purposes for which a public park would be devoted; still there would be so much open space.

1434. Can you inform the Committee what is the area of the reclaimed land between the proposed railway station, south of Norfolk-street, and the Temple-gardens?—I will supply that information.

1435. *Chairman.*] You may give us, if you please, at the same time, the whole of the land including that portion which is not coloured at all, the white block upon which you are empowered to build; give us all that is marked green, red, and white upon that map?—This map is correct, and I can leave it for the consideration of the Committee for a short time.

1436. Mr. *Cowper.*] Having reference to laying out the ground north of the Embankment in the most artistic and architectural way, would it not be preferable that the flat ground, level with the water, which has been reclaimed, should remain as recreation ground, and that the buildings which are to give an architectural effect to the site should be erected on the high ground?—That no doubt would get rid of one of my objections; you would then give a respectable appearance to the face of the Embankment, but it does not get over my next objection, namely, that we should like to have a little return.

1437. Do you not think that, in the ordinary course of things, the very inferior houses which now occupy the crest of the hill above the Embankment would naturally give way to houses of a higher class and of a more architectural appearance?—I have no doubt that if the Embankment were laid out, disregarding the frontage entirely, that self-interest would move the proprietors of houses ultimately to construct houses of a better character, and probably to erect dwelling houses in the place of other houses facing a splendid river roadway and ornamental grounds; that would be very probable, but it would be the work of time; still, it is just that kind of thing which you might expect will be the result of years.

1438. Can you give us the gradients of that roadway which is marked upon the plan as coming down from Norfolk-street laterally, to the right of the Duke of Norfolk's approach road?—The steepest gradient is one in thirty.

1439. You just now assumed that Essex-street would be made into a street fit for traffic; will you tell me at whose expense Essex-street is likely to be so improved?—I hope at the expense of the Crown, or rather the nation.

1440. You are not contemplating an expenditure of any of the funds of the Metropolitan Board of Works upon that?—No; we have no funds at present applicable to that purpose.

1441. Mr. *Tite.*] You spoke of a possible street, which I apprehend you mean to be between Richmond-terrace and Westminster-bridge?—I think it is called Derby-street; it is a short street running by the side of the new club.

1442. Would there not be great difficulties there with regard to the levels?—Well, probably they might be filled up so as to lessen that difficulty; but it is a case of cutting up some valuable building land, which would occasion considerable cost.

1443. My question had regard to the physical difficulty, and not to the cost; you have not had the levels taken, perhaps?—We have not.

1444. Mr. *Alderman Lawrence.*] Can you tell why the Metropolitan Board of Works obtained a Bill for the abandonment of the approach through Whitehall-yard?—Because we did not think it was necessary, and the cost would have been more than the value received.

1445. More than the value that would have been received by the Board?—By the public.

1446. Are you aware that the whole of the land, for some distance, right and left of that approach is Crown land, belonging to the Woods and

and Forests?—I think the whole of it belongs to the Crown.

1447. Are you aware that the leases of the whole of that property at the present moment are in hand?—I am not aware of that fact.

1448. Do you not consider that if that approach were made by the owners of the property right and left of that approach, the property would be increased in value to a much larger amount than the cost of making that approach?—I have not gone into that question, and therefore cannot offer an opinion upon it. So far as the Metropolitan Board is concerned, if we had purchased the property for the purpose of making that street, we should have been restricted to so much as was necessary for the area of the street itself; the building land would have reverted to the Crown, and the frontage which, in point of fact, we had created, would go back to the Crown, so that the public would have had no return; but the Crown, taking it up, of course could utilise its own land.

1449. I think this rather an important point; it is quite true that if, according to your Act of Parliament, you had made the street, the ratepayers would have found the money, and the Crown would have obtained an advantage in the increased value of the property right and left of that street?—Yes; but no doubt you are aware that in all cases where you take Crown property, they usually require the insertion of a clause which would give them the property and restrict you to taking just as much as you require for the improvement itself.

1450. Have you seen Mr. Pennethorne's report upon this matter, in a letter dated 24th of April, 1868, in which he states, "Having regard to Buckingham Palace, the Park, and the Horse Guards, with the public offices south thereof, the Treasury may deem a handsome approach to the Embankment necessary, as shown by Plan A?"—Yes; and we shall be very glad to see it made.

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1451. My question is not whether if the Board of Works had made this street they would have been able to recoup themselves, but whether, from your knowledge of the locality, and the plan which has been marked out by Mr. Pennethorne, that approach might not be made, and profit made by the possessors of the Crown land, in consequence of that approach being made?—I have not gone into that question.

1452. Mr. *Cowper.*] As regards the public convenience, it would not have been necessary, would it, to have had a street both at Whitehall-yard and at Whitehall-place?—It did not appear to be so.

1453. *Chairman.*] But with reference to the traffic and the public convenience, the road at Whitehall-place would be comparatively not of any service to those who dwell in Tyburnia, Belgravia, St. James's, St. George's, and Marylebone, as compared with an entrance at Charing-cross through Northumberland House or a curve round Northumberland House?—Yes, that is clearly a necessary approach to complete the Embankment.

1454. When Mr. Sclater-Booth, a short time ago, asked you a question as to the districts of London which would be benefited, he seemed to assume that it would only benefit those living in the west and north-west who were going to the City; would it not be the case that persons living in the districts to which I have just referred, going over Westminster-bridge, would greatly prefer that route, instead of going up the narrow part of the Strand, and turning that crowded corner at Bridge-street?—Yes, no doubt it would.

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1455. *Chairman.*] YOU have naturally, in your position as First Commissioner of Works, taken the question of this roadway into consideration?—I have.

1456. Have you considered it, not only with reference to the effect which it would have upon this ground so reclaimed by the Thames Embankment, but also with reference to its necessity as a communication between different parts of the metropolis?—Of course I can only give a personal opinion upon that subject; but, as far as I have been able to ascertain from inquiries, I do not at present consider that it has been proved that that line of communication is necessary for the diversion of a large portion of the traffic of the Strand.

1457. Then you think, as regards what I may call the arterial communication of the metropolis, that it really is not an indispensable roadway?—I think not; I think the statement made by Sir John Thwaites is conclusive upon that point, that if you have, as you undoubtedly will one day have, a communication between the Strand and the Embankment by Essex-street, you will, by that street, draw off a large portion of the traffic coming from the City, which would seek the Embankment, and therefore you would very much relieve the traffic between Essex-street and Wellington-street, and render it unnecessary to have a further communication between Wellington-street and the Embankment.

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1458. Looking to the other end, you naturally feel, as every one feels, that the great district of this metropolis which lies in the direction of Belgravia, Tyburnia, Marylebone, St. James's, and St. George's parishes, would naturally require or wish for some approach as direct as possible to the new roadway on the Embankment?—Undoubtedly.

1459. Whether that population is going eastward to the City, or westward to Parliament-street, or over Westminster-bridge?—Undoubtedly; anybody coming from the west of Charing-cross would, if possible, seek the Embankment, because, besides the Strand, they would have Fleet-street, Ludgate-hill, and St. Paul's Churchyard to go through; and even if the Strand were relieved of traffic, you would have very heavy traffic in Fleet-street and St. Paul's Churchyard; therefore, people would naturally seek the Embankment by the shortest possible route, which would be the road which you propose by Charing-cross on to the Embankment.

1460. And this diagonal road under consideration would in no way affect the communication between the parts of the metropolis to which I have referred and the railway or the Embankment?—Certainly not.

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1461. Practically, then, it comes to this, that this roadway is, in the main, a means of bringing into communication the Admiralty, Horse Guards, and Somerset House?—Well, the difference in the distance between the Admiralty and the Strand entrance to Somerset House, whether by the Strand or the proposed road, would really be scarcely perceptible. I believe it has been measured by some gentlemen connected with the Office of Works, and it has been found that the distance would be about the same; that is to say, anybody wishing to go from Somerset House to the Admiralty, whether he went by the Strand or the proposed road, would have about the same distance to traverse; I believe the difference if, any, is in favour of the Strand.

1462. So that, in point of distance, there would be no gain, or any gain that there might be would be in having two routes instead of one?—That is to say, supposing you were going from the Strand side or from Somerset House to the Admiralty or the Horse Guards.

1463. Supposing the Law Courts to be on the Embankment site, this new route would be no advantage, in that case, to those who frequent those courts?—None whatever.

1464. Supposing the courts remain where they are at present proposed to be placed, namely, on the Carey-street site, and assuming that a road is made at Essex-street, a good approach to the Embankment, do you think persons going to the House of Commons from those courts would be more likely to go by the Essex-street route, or by this red road?—Undoubtedly by the Essex-street route, I should think, unless the traffic of the Strand was very much relieved.

1465. If the Law Courts are put on the Carey-street site, even if this road were made, that portion of the Strand between the corner of Wellington-street and Carey-street would not in any way be relieved by the creation of this road, would it?—No; undoubtedly it would not be relieved.

1466. But Essex-street would clearly take away that portion of the traffic?—Of course; if Essex-street were enlarged, and made an accessible street to the Embankment, no doubt that would relieve a portion of the Strand traffic, but not otherwise.

1467. Leaving the question of the absolute necessity of this roadway, which you appear to consider more or less of secondary importance, I will come now to the question of the utilisation of this land: you are aware that by the Act of Parliament this land cannot be used in any way for building purposes, and at the same time that there are provisions in the Act that it is to be kept for the purposes of recreation; do you think, irrespective of such conditions, so tying down the use of this land, it is a site which might advantageously be used for public buildings?—I think I had better state to the Committee the way in which my attention was first called to this road. I confess that when I first went to the Office of Works I was not aware that that road was about to be constructed; I was not aware of the provisions of the Act of Parliament; but there is a public building which must be constructed very shortly, and which, in public opinion, requires a central position. In thinking over the different sites which might be appropriated to that public building, it struck me that the site between Waterloo-bridge and Hungerford-bridge would be an excellent spot for it. The public building to which I allude is the Museum of Natural History. As the Committee is no doubt aware, it has long been thought absolutely necessary that the natural history collection should be separated from the art and archæological collections and library of the British Museum. Various sites have been suggested for the new Natural History Museum, amongst others a site connected with the South Kensington Museum. Great objection has been taken to that site by various scientific men, upon different grounds, and considerable opposition has been raised to the transfer of the Natural History Museum to South Kensington. It appeared to me that the site in question would be admirably adapted for the purpose of the Natural History Museum; I communicated with a great many of the leading scientific men of this country, and they all accepted the idea as the one best calculated to solve the difficulties with regard to the removal of that Museum. Every one to whom I spoke on the subject, including, I think I may state, Mr. Cole, who might have been supposed to be very adverse to this scheme, at once accepted this site as the most appropriate for a Natural History Museum. They admitted at once that it would be the most appropriate, as being central, very accessible from the south of London, from whence access to a museum is much required, as being immediately in connection with the British Museum, as being removed altogether from South Kensington, South Kensington having been considered as objectionable by scientific men on different grounds, and as having plenty of light and air, from having the river in front. I thought, consequently, that this site offered many advantages for the erection of such a building; and on coming to inquire how it could be erected there, I found that this road was about to be constructed, which would at once put an end to the possibility of making use of the site for this purpose. I am aware that the Act says, that the reclaimed land is to be used for the purposes of public recreation; but that word seems to me to be a very wide one, and I think nothing could tend more to public recreation and enjoyment than a great Natural History Museum on that spot, laid out with appropriate gardens in a way which would attract the public, which would lead the working-classes to go to the Embankment, and from the Embankment to the museum; in every respect, I think, such a building would be eminently calculated for public recreation; therefore the words of the Act would be met by erecting a building of that kind on this site. I entirely agree that it is very important to keep open spaces for the public, but the River Thames is an open space in this part of London, and the three or four acres of land which might be used for a Natural History Museum, leaving three for public recreation in the way of gardens would not make much difference; if the public building which I propose were erected with gardens, and were carried back to the Adelphi-terrace, which is possible, there would be ample enjoyment to the public, as far as gardens are concerned, with the additional advantage of a public building containing so interesting a collection as that of natural history; but as long as it is contemplated to make this road, it is impossible to utilise the site for purposes of this kind.

1468. Then you consider that a museum would be a recreation ground taken *per se*?—The very best of all places of recreation, I think.

1469. Have you any plan which you could lay before

before this Committee, by which, setting aside the question of the ground which is used for the museum being, as a museum, a recreation ground in itself, you could so arrange the remainder that it would be an open space, not only recreation ground, but probably more ornamental, from the juxtaposition of this building and its adjoining terraces, than it would be if simply a recreation ground as now laid out on that model before us?—I must mention that when the idea was suggested of a Natural History Museum on this part of the Embankment, I consulted Mr. Waterhouse, the architect commissioned by my predecessor to erect a Natural History Museum, supposing that museum to have been at South Kensington. Mr. Waterhouse, who is an architect of great eminence, was very much attracted by the idea, and at once said that the advantage of the erection of a great building upon this site was so great, that he would willingly reconstruct his elevations and plans. I may state to the Committee that he had already prepared elevations and plans for a building at South Kensington; but he declared that he would willingly undertake to reconsider all his plans and elevations for the purpose of putting the building on that site; I think, therefore, that the Committee will do well to examine Mr. Waterhouse on that point, and I think he will satisfy the Committee that an admirable building, with gardens and approaches, could be erected on this part of the Embankment; upon that point, of course, technical evidence should be taken, and I should recommend the Committee to call Mr. Waterhouse.

1470. Questions were asked Sir John Thwaites with reference to any public buildings which might be erected there, which implied that those buildings would be on a low level, and it would be necessary to keep them on a low level; is that your view, or do you contemplate the erection of this building upon a raised terrace, which would be much more imposing in character, and would improve the appearance of the recreation grounds below, or the gardens, or whatever you choose to call them?—That would, of course, depend a good deal upon any decision the Government may come to; for I must state to the Committee that the evidence which I am now giving is entirely founded on my own private opinion. I am not authorised by the Government to put forward this scheme, but it is simply my own view, which I am bound to express to the Committee. Of course, the question of raising the building is one of expense, but a high building would be a much finer object than a low one.

1471. Have you considered with Mr. Waterhouse, or in your office, whether, supposing such a building were to be erected, and it were subsequently found, by the course of traffic in the metropolis, that it were necessary or desirable to have some sort of communication with Wellington-street or the Embankment roadway below Charing-cross approach, it would be advisable to have such a communication in the rear of that building?—Yes; I have consulted Mr. Waterhouse on that subject. Of course that is a matter of expense. It could be done, no doubt.

1472. You have no doubt that a roadway of that kind could be obtained with a possible carriage gradient?—Yes, I believe it could be; in fact, a similar road to that which we are now inquiring into will be carried further back, and behind the building.

1473. Apparently, in the position in which this roadway is, if Parliament takes immediate action, there would be an opportunity of preventing the destruction, for it amounts to that, of this reclaimed land, for any purposes but a public building?—Exactly.

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1474. If Parliament does not seize that opportunity, it will be gone for ever?—It appears to me to be so.

1475. It will be doubly gone, will it not, in this sense, that a roadway will be constructed which will render the greater portion of that land permanently unavailable for public buildings, and a site will be left in the rear of that land for the present proprietors of those buildings to erect whatever chance buildings may seem to them desirable as private speculations?—That will naturally be so; but I must remark that of course you might, by buying Adelphi-terrace, and the land between that and John-street, still erect a public building there; but you would have to pay a very large sum for that land, and I think the expense would put it out of the question. There is another objection, that you would carry the building too far back, and one of the objects in putting a public building there would be lost, that is, the object of screening that hideous semi-circular roof which covers the railway station.

1476. Then if I may summarize your conclusions from what you have stated, they come to this: that, in your opinion, there is sufficient ground here to erect a fine public building?—Undoubtedly.

1477. And combine with it a considerable amount of garden and recreation ground?—Yes.

1478. That you have at the present moment a building in view which would answer in itself the purposes of recreation, and would be better placed there than in any other part of the metropolis?—That is my personal and private view.

1479. That persons who object to the transfer of the Natural History Collection to Kensington are not only content, but would highly approve of its transfer to this site?—Yes, some of the principal scientific men in this country inform me that they would accept this as a solution of the difficulty; that they would be glad to see the collection there.

1480. That no objection is raised on the part of those who are interested in Kensington, Mr. Cole for instance, to this change of plan?—On the contrary, I have reason to believe that Mr. Cole highly approves of it.

1481. We have heard a great deal as to the necessity of the Natural History Museum being left in the centre of the population; as far as that could conveniently be done, *quâ* that point, the museum would be nearer the great efflux of population, would it not, than if it were transferred to Kensington?—Yes; it appears to me the position would be in every respect admirable, and the most central you could find. It would give the south of London easy access to a great museum; by the bridges, and by ferry steamers, people might cross the river in a very few minutes. On the other hand, by the Metropolitan Railway, you would have access to the museum from all parts of London, and all parts of England. For excursion people coming up from the country, and for the best class of working men, I think such a site as that would be of the greatest possible

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possible advantage; in fact, you could not get a finer and more appropriate site for a Museum of Natural History.

1482. It would be near the Houses of Parliament, Somerset House, and possibly the Law Courts, so that the excursionists to whom you refer, would, within a reasonable distance, have not only the advantage of seeing the Museum and its contents, but also the buildings which lie right and left of that site?—Certainly.

1483. Supposing this road to be made, it would either render it impossible to erect such a building, or would greatly add to its cost by necessitating the purchase of more of the land, and the buildings lying north of this contemplated roadway?—I may state, as far as I am concerned, and as far as I know the opinions of the Government, that if that road were carried out I should not think it possible to make any proposal for having any public building there.

1484. So that the creation of this roadway puts a stop entirely to any idea of the Natural History Museum being on that site?—Completely.

1485. Do you consider, looking to the responsibility which one generation incurs to future generations, by their conduct of matters such as this, that this House of Commons and this Committee would be justified, upon the evidence that has hitherto been brought before it, in sacrificing this land for ever, by causing the act to be carried into effect for the making of this roadway?—Of course, I only speak for myself; I naturally think it would be a very great reflection upon our generation if we neglected an opportunity such as has never been presented to this country before, or perhaps to any country, of converting the main artery of this metropolis, the River Thames, into a line of great public buildings; we have now that opportunity, and if it be lost, it is gone for ever; we shall never have such another.

1486. Looking to the position in which this roadway is, *quâ* Acts of Parliament, is it your own opinion that it would be desirable to relieve the Metropolitan Board of Works from the obligation of making this roadway?—I have a very strong opinion on the subject. I think it would most decidedly be advisible to do so; I have stated that in the House of Commons, and of course there is no objection to my re-stating it now.

1487. Do you think, supposing the Committee were to report in favour of relieving the Metropolitan Board of Works from the obligation, and Parliament were to approve of such a report, there would be any difficulty in relieving them at once in the present Session by a suspension of the Standing Orders?—I could not give an opinion on that subject; I presume it could be done, but it is a matter of practice.

1488. Setting the question of practice aside, assuming that practice did not render such a course impossible, do you think it would be desirable in the position in which this question now is, looking to the evidence given to-day by Sir John Thwaites, and to the position of the Metropolitan Board of Works with reference to the notices which they have served, that this question should be decided as speedily as possible, and that this Committee should report its view upon this branch of the inquiry as soon as possible to Parliament; and then, if Parliament approves of our view, that we should take some steps to settle the question at once?—Of course every thing must depend upon the Report of this Committee; if this Committee makes a very strong Report, I presume some action must be taken, and, of course, if the Committee decides upon reporting in that sense, the sooner it is done the better.

1489. I asked you whether it is your individual opinion that it would be desirable that this Committee, upon this branch of the inquiry, should report at once, as soon as it has satisfied itself upon the evidence before it?—Certainly.

1490. And not delay the Report longer than is absolutely necessary to come to some decision on the matter before us?—Certainly. I may state to the Committee, that after the debate in the House of Commons on the subject, raised by your Lordship, I thought it right to communicate with Sir John Thwaites, who met me in a very kind and cordial manner, as he has always done in any matter connected with the Office of Works. I could only communicate with him unofficially, because I have no power, officially, to interfere in this matter, and he very kindly directed that every possible step should be taken to keep this question in abeyance, and that the works should not be proceeded with until Parliament should come to a decision upon the subject; therefore I think it is only fair towards Sir John Thwaites, and to the Board of Works, that this Committee should report as soon as possible, and give the House an opportunity of acting upon its Report.

1491. Looking at the question of expense, and the position of the ratepayers with reference to these improvements, at present the ratepayers have, through their coal and wine dues, which are available for the purposes of the Embankment, been practically charged with the cost of reclaiming that amount of land; they are at the present moment debarred from recouping themselves in any way by the advantageous disposal of any portion of that land?—Yes.

1492. I presume, in the event of Parliament sanctioning the abandonment of this road, and also sanctioning the erection of a public building, such as you contemplate, on this site, that in that case you contemplate purchasing from the Metropolitan Board of Works the portion of land which would be requisite for the erection of this building?—I presume it would involve something of that kind.

1493. You do not contemplate acquiring this land without any cost at all?—No.

1494. At the present moment you have in Kensington, I think, a large amount of land, something like 14 acres?—We have; which land has been purchased for the Royal Commission.

1495. In such a case as this, do you think a portion of that, in fact the greater portion of it, would be disposable, and would not be required?—No doubt.

1496. So that a sale of that would enable you, on the part of the Government, to have a sum at your disposal for the purchase, from the Metropolitan Board of Works, of what is requisite for your purpose upon this other site?—That I should not like to speak to now; it would require a great deal of consideration.

1497. Although necessarily the details of any arrangement of that kind would require very great consideration, and mutual understanding and agreement between you, as representing the public, and the Metropolitan Board of Works, as representing the ratepayers, still one may reasonably

ably assume that the ratepayers would not be losers by a transaction of that kind; and when I say they would not be losers, I mean that at the present moment there is a portion of land which cannot be turned, by those who manage these affairs, to any beneficial purpose, and which, perhaps, in coming to an arrangement with the Metropolitan Board, they might dispose of to the advantage of the ratepayers?—It appears to me that if that roadway were given up, it would at once be a saving of 220,000 *l.* or 230,000 *l.* to the ratepayers, because it would not then be necessary to make that road. Then I presume they would obtain something for the sale of land, which might go towards opening that access which you purpose, by Northumberland House. Of course those are all questions to which it is impossible to speak off-hand.

1498. The probability is, that an arrangement of that kind would enable the Metropolitan Board of Works to be in funds to make access to their roadway on the Embankment, which, according to the Chairman of the Board, would be more beneficial to the public, taking the whole metropolis into consideration, than this diagonal roadway which connects Wellington-street and Waterloo-place with the Embankment?—Undoubtedly. You might put it in this way: supposing they sold land, say, for 100,000 *l.*, and they gave up a roadway which is to cost them 220,000 *l.*, it would virtually be 320,000 *l.* in their pockets; that is to say, they would have 320,000 *l.* less to spend, they might make purchases, and they would be released from the spending of that 220,000 *l.*

1499. They would likewise be released, would they not, from the liability to those persons upon whom notices had been served, and looking to that, upon the evidence of Sir John Thwaites, it is an additional reason for Parliament, one way or the other, coming to a speedy determination as to this roadway?—Undoubtedly it would be only fair to them that we should come to a decision as soon as possible.

1500. Is there any other point that you would wish to refer to?—No, not that I am aware of.

1501. Mr. *Cowper.*] You have intimated to the Committee that you think the traffic which would be accommodated by the Wellington-street road might be as conveniently accommodated by the use of the Essex-street approach?—Not exactly; I say that Essex-street would take off a large part of the traffic which would otherwise go by Wellington-street.

1502. But you would, as a practical view, propose the alternative of Essex-street instead of Wellington-street?—It appears to me that, whether the Law Courts be on the Carey-street site or on the Embankment, it will be absolutely necessary to make an approach by Essex-street from the Strand to the Embankment; as to who is to do it is another question; but I think you must have a road through the Strand to the Embankment on that spot.

1503. Before the Committee could be called upon to decide that the Wellington-street entrance is not necessary, ought they not to have something beyond mere probabilities and guess-work as to the Essex-street approach ever being made capable of carriage communication?—It appears to me that the contemplated road is being constructed a good deal upon guess-work, because you will remember, when I asked Sir John Thwaites the question whether any evidence had been taken as regards the traffic in the Strand, he said he was not aware that any had been taken, nor can I find any trace in my office of any evidence having been taken on the subject.

1504. Although it is quite certain that if this Committee do not interfere with the Metropolitan Board of Works, we shall have the Wellington-street road, yet can you, in your official position, give us any certainty that if we part with that road, we shall get a street where Essex-street now stands fit for traffic?—I could not, of course, speak officially on the subject, but my impression is very strong, that you ultimately must have that street enlarged, and that is also the opinion of Sir John Thwaites, speaking on behalf of the Metropolitan Board.

1505. But as Essex-street is at present totally unfit for such a purpose, having a gradient of 1 in 17, for the upper part, and 1 in 10 for the junction, could we not get some idea as to what funds are to be employed?—Sir John Thwaites distinctly stated that he did not contemplate any metropolitan funds being employed. We have no reason to suppose that the railway company will give anything for it; for they have provided the means of access for foot traffic at Norfolk-street; can you therefore give us any hope that the Government will undertake to make the Essex-street approach?—It depends a good deal on the result of Mr. Gregory's motion; if the House determine to put the Law Courts on the Embankment site, I think then the question of the Essex-street approach will come as a matter of course, because you will have to deal with all that block, and it will be absolutely necessary in the general scheme to include Essex-street. If the Law Courts are not placed on the Embankment, it will be a matter of consideration whether the Metropolitan Board are to enlarge Essex-street, or who is to do it; but I think you will find that the public, especially if the Law Courts are placed on the Carey-street site, will demand that Essex-street shall be enlarged; it is one of those things which must come one of these days, and probably the Metropolitan Board of Works will have to do it.

1506. It will be a balance of expenditure between buying the whole of Essex-street, and re-building the whole street, and making the present viaduct from Wellington-street; therefore if the Metropolitan Board are to do it, it would not be to them a saving of expense?—It appears to me that whether you have the Wellington-street viaduct or not, you must have Essex-street, I think that does not interfere with Essex-street at all.

1507. Can you tell the Committee that matters are in such a state with regard to Essex-street, that they can act upon the assumption that within any definite period of time Essex-street will be pulled down and rebuilt?—I could not, of course, give you any official answer; but I think everybody will feel that a communication such as Essex-street will afford will be absolutely necessary between the Strand and the Embankment; I do not say Essex-street in particular, but you must have a street carried through that mass of squalid buildings between Essex-street and Arundel-street; what I mean is that, supposing the Law Courts are placed on the Carey-street site, a street uniting the Strand with the Embankment will be absolutely necessary there, and if the Law Courts are placed on the Embankment, that street will be constructed as part of a general scheme.

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1508. Of course, the Carey-street site, if it is built upon, would require either a communication at Essex-street or Wellington-street, Strand; do you mean to say that Wellington-street, Strand, would not provide for all that is required by persons coming to and from the Houses of Parliament and Parliament-street?—It might for those who are coming from the Houses of Parliament, but look at those who come across Blackfriars-bridge, and from the South of London; and, after all, the South of London is an important part of the metropolis to be taken into consideration; that portion also coming from the East of London would make use of Essex-street.

1509. But as they have got Fleet-street, I presume it would not be worth a very large expenditure of money to save the short distance they would save by using Essex-street?—If you have ever been up Fleet-street and Ludgate-hill, as no doubt you often have, you will know how very crowded that part of the metropolis is, and people coming from the Law Courts would certainly prefer taking the Embankment to going up Fleet-street and Ludgate-hill. You see that between the east of London and the Law Courts, supposing them to be placed either on the Carey-street site or on the Embankment are some of the worst streets, as far as traffic is concerned, in the metropolis, that is Fleet-street, Ludgate-hill, and St. Paul's Churchyard therefore you would force people to take Essex-street, or some lateral street leaving the Strand.

1510. You stated that, looking at the Embankment from an architectural and artistic point of view, you desired to have a public building erected on the reclaimed land below Adelphi-terrace, or in its neighbourhood; judging of the matter architecturally, should you not greatly prefer placing a new building upon the high ground near Buckingham-street and Adelphi-terrace, by which you would get an elevation that would give dignity to the building without the expense of building a basement simply for the purpose of raising the building, and would you not have a very good fore-ground for the building on the reclaimed land which there is about the width of 100 yards?—Of course that would be so, but in my proposal you have a large part of the reclaimed land; you have a considerable distance of garden between the public buildings and the Embankment. My idea was (and upon that, perhaps, the Committee will see Mr. Waterhouse, who will submit his views and plans) to utilise the high ground behind, and partly to utilise the reclaimed ground. That place which is there marked white is all reclaimed ground, and might be used for public buildings partly.

1511. Mr *Beresford Hope.*] All to the east of Adelphi-terrace will be open for gardens?—Yes.

1512. Mr. *Cowper.*] Putting for the moment financial considerations aside, should you not prefer to put your building on the high ground which is now covered with buildings, rather than in low ground which is not covered with buildings?—As I have stated, no doubt if you could have the full disposal of money, and pay what you like for the land, and have unlimited credit, you would perhaps buy the land behind Adelphi-terrace. But I have another object in bringing the buildings forward, which is, if possible, to screen that hideous construction which covers the railway station; by bringing it forward you might screen that, and make it into something less unsightly than it is now.

1513. As Sir John Thwaites has already given us his estimate of the value of that land, and has put the value of that six acres at 900,000 *l.*, which is at the rate of 150,000 *l.* an acre, have you reason to suppose that the land which is now covered with houses between the cliff and the Strand would cost more than the Embankment site?—I should not like to go into that question; of course, that is a matter of arrangement, but I have reason to believe that it might be done at a moderate rate. I have taken the opinion of those gentlemen with whom you are acquainted at the Office of Works, and their opinion is that it might be done.

1514. Do you not think it probable that you might get the land now covered with houses for the purpose of your site at 100,000 *l.* an acre, whereas you may have to pay for the reclaimed land a higher price, namely, 150,000 *l.* an acre?—I do not accept Sir John Thwaites' estimate at all. I have no doubt he stated the largest sum, hoping to get as much as he possibly could.

1515. Do you not think that in the market the value of that reclaimed land near the Embankment must be quite equal to, if not greater than, the market value of the land covered with houses?—First of all it has no market value, because the Board of Works has no power to sell that land. If they were relieved from the necessity of converting that land into gardens for public recreation, of course it would be done, I presume, upon certain conditions; what those conditions might be it is not for me to say at present; but I have no doubt Sir John Thwaites and the Metropolitan Board of Works would think it so important to have that part of the reclaimed land used for public purposes, that they would be willing to meet the Government in any way they could.

1516. One part of the ground upon which you propose to put your site is already in the hands of the Metropolitan Board of Works, with a right of building upon it; therefore I presume that that portion of the land you would not expect to get for less than its present market value?—I believe that portion is very small indeed.

1517. It is about two acres, I should think. Then with reference to the reclaimed land, which by the Act is not at present to be used for building purposes, would you think it fair to the ratepayers of the metropolis that you should take the land, which is at present intended for recreation ground, for public purposes, and save the Exchequer, by not paying to the ratepayers the full market value of their land?—Of course it is a matter of calculation; you do release them from an obligation which will cost them 230,000 *l.*, therefore you must take that into consideration. If the ratepayers are released from paying this 230,000 *l.*, it is so much less upon the rates.

1518. But as the question of making a road or not is quite independent of the question of building or not building on the reclaimed land, is it fair to take that into consideration when you are settling the price of land which belongs to the Metropolitan Board?—I do not think you can eliminate the question of the road. If there had been no building at all there, and that land had been given to the Board of Works to dispose of at the best possible price, of course the Government could not expect that the Metropolitan Board of Works would have sold them that land

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at a lower rate than they would have sold it to any private person; but when they have got land which they cannot sell, and when you relieve them from this obligation, I think they might possibly meet the Government, and give that land in return for the very manifest advantages which they would receive; but that is a question to be dealt with by the Government and the Metropolitan Board of Works.

1519. Have you not proceeded on the terms that originally the reclaimed land was to be left as open ground, because of the roadway, whereas is it not the fact that the two matters were independent and distinct; was not the reclaimed land to be left open for pleasure ground, for the purpose of securing to the people of London in that neighbourhood the advantage of an open park, and not for the purpose of the railway?—That is perfectly true, but the two questions are so intimately connected that you cannot separate them.

1520. Supposing we were to determine that Essex-street was quite a sufficient communication with Wellington-street, it would not follow then, either that the public should lose their recreation ground, or that they should retain it; the recreation ground would remain, as it is, without being altered by that circumstance?—Of course, if you stopped the construction of the road, and left things as they were, the land occupied by the road would then, I presume, be used as part of the gardens to be constructed on the Embankment; of course I am now merely expressing my private opinion; I assume that the idea of putting a Natural History Museum there would be a popular one; that the people of the metropolis would like it, that the people of the South of London would like it, and that scientific men would like it, in fact, that it would be generally approved of; I think then that something might be done by the aid of Parliament to enable you to put a building on that site.

1521. One reason you mentioned for putting it on the low ground, instead of the high ground, was that some portion of it might conceal the railway station, but if we have to choose between six acres of pleasure-ground, in such a densely-peopled part of London, and the view of an ugly railway station, do you not think that the public at large would rather prefer the possession of a small park, which would be so infinitely valuable, to escaping the view of a railway station to which by this time they are tolerably accustomed?—I simply state that as one of the reasons, but it is not the main reason; if you throw back the public building to the line of the Adelphi-terrace and have to buy the land in the neighbourhood, for a large amount, I think the expense would be so very large that I should have no hope of the Government entertaining it.

1522. Mr. *Tite.*] Do you think that the Metropolitan Board, in the performance of their duty, would be called upon to abandon this communication without thoroughly understanding what was to be done with reference to Essex-street?—Really that is a consideration for the Metropolitan Board, but it appears to me that there would be no difficulty in it.

1523. You have said that you thought there must be some communication if this red line of road were abandoned?—My opinion is that whether that road be constructed or abandoned, in either case, we must have some communication between the Strand at that point and the Embankment, on account of the law courts which will be placed either on the Carey-street site, or on the Embankment site.

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1524. If the law courts are placed on the Embankment site, Essex-street is involved in that plan?—No doubt.

1525. And I suppose some communication might be made along the side of the proposed building?—Just so.

1526. You have rather hesitated to commit yourself to any opinion as to paying the Metropolitan Board of Works for the land which you take; you are, doubtless, quite aware, from the evidence which you have heard, that the Crown showed no mercy in the matter to the Metropolitan Board, but that they sold them that which they thought they had very little right to at all, and made them pay a large sum for it; if that be so, *ceteris paribus*, the Crown would not expect the Metropolitan Board to give them that money?—You must make a distinction between the Crown and the Government; the Office of Works has nothing to do with the Woods and Forests; but you must remember that I put it in this light, if the Board of Works ask such a sum as to render it impossible to utilise that land, then they will get nothing.

1527. With regard to the building proposed to be put there, I should certainly very highly approve of it for the reasons which you have given, but it would be, in point of fact, a building on two distinct levels, the same as some other buildings are there, and the basement would not necessarily be at the level of the Embankment road?—I must say I think many unnecessary difficulties have been made with regard to levels there; we find that in former days when private individuals wanted to build houses they had no difficulty in raising a terrace; the Adelphi-terrace is raised on a basement, and Somerset House, which is a great public building, is also there raised. However, Mr. Waterhouse will explain all about that.

1528. Mr. Alderman *Lawrence.*] The Museum, I believe, is national property, and all the expenses incurred with regard to it are charged upon the national exchequer, not upon any local fund?—Of course.

1529. And if at its present place any additional land was taken and any increase made to the building, the cost of the site and the cost of the building would be charged to the public exchequer?—You are aware, of course, that the Government has purchased a very large piece of land at South Kensington from the Commission of the Exhibition of 1851. I forget exactly what was paid for that land, but it was something about 150,000*l.*; that land is increased in value very much, and I have no doubt if the Government were at liberty to sell it, they would not only recoup themselves, but that the proceeds of its sale would be very much beyond what they paid for it. Perhaps that could not be done, but that is a matter for further consideration; I have been in communication with persons acquainted with the subject, and I do not think there would be any difficulty in dealing with that question; the Government might apply what they were able to get back from the resale of that land for the purchase of land on this site.

1530. I think you are of opinion that the whole frontage of that Embankment is admirably situated for placing public buildings of various descriptions, both with regard to beauty of appearance and convenience of situation?—I am quite

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quite certain that no nation in the world would neglect such an opportunity; I am quite certain that if any capital in Europe had such a public thoroughfare as that Embankment it would not neglect the opportunity of erecting public buildings upon it. In fact the French Government have gone to great expense of late years in erecting public buildings on the Seine, which is very inferior to the Thames; the same thing has also been done in St. Petersburgh; in fact I think there is scarcely a capital in Europe where the river artery has not been made use of for public buildings.

1531. That effect would be obtained whether the building is brought nearer to the Embankment wall, or whether it is at some distance from it; that is to say, if it were built on the site of the old buildings, instead of taking any portion of the ground which has been reclaimed?—I do not think too much garden between the Embankment and the public buildings would be desirable; I should have some gardens handsomely planted; but 100 feet, more or less, would not make much difference with regard to such recreation as these gardens would afford; it is not like a park of 200 or 300 acres; the whole thing amounts to only two or three acres.

1532. In erecting this building, do you apprehend, if you do not take Adelphi-terrace and the houses adjoining which have views over the river, that you will have to build in front of those premises without paying a large sum in compensation, and would it not be a question of taking even the whole of the property to make a saving of expense?—That, of course, is a question for consideration. There are different opinions on that point; all I want to impress on the Committee is the great importance of laying it down as a principle, without going into details, that the Thames Embankment should be utilised. How that is to be done as regards expense would be very difficult for me to say; but I think if we could lay down as a principle that the Embankment should be utilised, the Government would have to see how it could be done in the most economical way.

1533. Although, of course, this building would not be vested in the Woods and Forests, the land would be vested in the Crown in another form?—The British Museum is under the management of trustees.

1534. Would this land, if taken, be vested in the Crown in another form, though not in the Woods and Forests?—It would not belong to the Woods and Forests at all, it would be taken for a specific purpose.

1535. The Woods and Forests is entirely a different department, but still it is another portion of the public revenue, and is, in fact, public property under a different form. There is a theory connected with the matter which no doubt puts it in a different form, but do you not think that the Metropolitan Board of Works and the public will consider that after paying a large sum of money for the fore-shore, and for the water rights, that the Crown property, which occupies, I believe, nearly the whole distance from Westminster-bridge to the railway-bridge, has been immensely increased in value, and that they will be very tenacious of parting with any land without having the full value given for it?—There is rather a misapprehension with regard to the Woods and Forests; the Woods and Forests have to deal with all land yielding revenue; it is quite a distinct department; the department is not responsible directly to Parliament; some years ago an Act was passed to divide the two departments, the Office of Works, and the Woods and Forests; the Office of Works is responsible to Parliament through the First Commissioner who is in Parliament, but the Woods and Forests is not represented by its head.

1536. The Woods and Forests are responsible to the Treasury, and the Treasury is responsible to Parliament?—That is the distinction.

1537. Mr. *Tite.*] If we succeed in persuading the Commissioners for building the new law courts to divide their building, and take their site at the end of Essex-street, supposing Mr. Gregory's scheme is thrown over, then Essex-street would fall to them to be improved, and at their cost?—Certainly, taking your scheme as involving the appropriation of that land between Arundel-street and Essex-street, you must have an access somewhere, or else the law courts would be utterly useless to all persons coming from the North.

1538. Mr. Alderman *Lawrence.*] I take it for granted, you consider there should be ample approaches to the building which is proposed?—You have the best of all approaches: you have the Metropolitan Railway, the Embankment, the River, and the Strand.

1539. You think it is the duty of all parties, whether the Government or local bodies, when they put up public buildings, to see that proper approaches are made to those buildings?—I think when you put up a public building in any part of London, you must not confine yourself to the actual expense of that building, but you must take into consideration the expense of approaches; whether those approaches are made at once or hereafter does not much signify, but I think you ought, in calculating the expense, to take into consideration the approaches, because without approaches, no public building is of full advantage to the public.

1540. Therefore, whenever the question of site comes to be decided with respect to the Law Courts, you are fully of opinion that the question of approach ought to form one great consideration?—Certainly.

1541. Mr. *McLean.*] In the event of a museum being built on the part coloured green, would the approach from Wellington-street not be more necessary than ever?—I do not think so, but I think Mr. Waterhouse will show you that an approach might be made the rear, sufficient for the purpose. You would not require a great public approach; you would require only an approach for people who have business at the Museum, not for the public.

1542. The people who live to the north of the Strand have looked to this as a place of recreation, and if you deprive them of the approaches I think they will be aggrieved. It was an actual contract that they should have approaches to the Embankment?—But you do not deprive them of any approaches to the Embankment. If the approach came directly from the Strand to the foot of Waterloo-bridge or Wellington-street, I should quite agree with you, but supposing a person standing at the Strand end of Wellington-street wanted to go to the Embankment in a carriage, he would have to go all down that road, and would only come on to the Embankment near Hungerford-bridge.

1543. By what other way could he get there?—It

—It would take a little longer, but he could go round by Craven-street and Northumberland-street.

1544. But then the Strand would not be relieved as a thoroughfare?—Yes, it would be greatly relieved by the Embankment. You must remember that when the Embankment road is constructed, it will probably relieve the Strand of much of its traffic at once, therefore you must not look at the Strand, after the Embankment is completed, as you look at the Strand at present. In taking into consideration the relief of the Strand by any lateral road, you must take the Strand as it will be after the Embankment is open, not as it is now, which makes a great difference.

1545. Mr. *Beresford Hope.*] Do you not think that there is a good deal of ambiguity in the term "place of public recreation;" it does not mean a fives court or a cricket ground, but a boulevard or something of that description?—I entirely agree with Sir John Thwaites that the place of recreation will be the Embankment itself. You will find that large numbers of people who wish for air will walk along the banks of the river.

1546. In fact, I suppose the public recreation-ground will really run from Westminster-bridge to Blackfriars-bridge?—Exactly.

1547. Besides the advantage which this museum will be as a place of general amusement and instruction?—I am convinced that the more buildings of that nature you have in London, the more you will elevate the people.

1548. Mr. McLean just now raised the question of contract. Is it not the fact that this transverse street was an afterthought, and that the original contract was simply for making an Embankment, which will be carried out now?—Unquestionably.

1549. Mr. *McLean.*] They are not in the same Act of 1862?—All that was an afterthought.

1550. It was recommended in the Commissioners' Report?—I am speaking now of the original idea of the Embankment.

1551. *Chairman.*] You know the Terrace at Windsor, I presume?—Yes.

1552. That is open to the public on Sundays?—Yes.

1553. Is it not a cricket-ground?—No.

1554. Do you consider it a place of recreation?—Certainly.

1555. Mr. *W. H. Smith.*] I think we understand that if what is called the Embankment site is taken for the Law Courts, Essex-street will be made a proper approach from the Strand, but if it is not taken, have we not forgotten, throughout the whole of this discussion, that Norfolk-street, and what is called the approach road, will be an approach, and a very good approach to the Embankment from the Strand?—When I am asked a question as regards approaches to a museum, for instance, from the north, you must remember that the class of people who come from the north of the Strand to see the museum and to walk in these gardens, will not be what I may call "carriage people"; they will be the working classes, people who come to saunter about the gardens and who would be on foot; for that class of people there will be a great many approaches, there will be Cecil-street, Salisbury-street, and Adam-street, and that is the class of people that you chiefly want to accommodate.

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1556. You were speaking of the traffic from the east going west; even for carriages, if the Embankment site is not taken for the law courts, there will remain Norfolk-street as an approach to the Embankment, by what is called the approach road, which will run from Norfolk-street both east and west to the Embankment, therefore the carriage traffic proceeding west from the City will be accommodated, possibly not sufficiently, but to a very considerable extent?—Oh, yes, supposing an approach road were made, it would be so, undoubtedly.

1557. The approach road is not to be touched under the present arrangement?—No.

1558. *Chairman.*] I just want to ask you generally, with reference to these buildings, you do not anticipate, supposing this roadway were to be stopped, that you would have any difficulty either in arranging with the Metropolitan Board of Works as to the terms on which this land should be acquired, upon which these buildings should be erected, or in erecting the buildings on the ground which would be most ornamental, and which would show the buildings to the greatest advantage, combining with that the best utilisation of the ground possible?—I can scarcely answer that question; as I have already stated, I have merely given a private opinion. I have been examined by the Committee, and I am bound to tell them what my private opinions are, but they are merely my private opinions; I am not at all aware that the Government would take up such a scheme, but if they did, I should enter into a communication with Sir John Thwaites.

1559. Speaking as an individual, you do not find any such difficulties as have been conjured up?—Knowing Sir John Thwaites as well as I do, I do not think there would be any of those difficulties.

Sir JOHN THWAITES, re-called; and further Examined.

1560. *Chairman.*] I BELIEVE you have some further observations which you wish to address to the Committee?—Yes, I am very anxious that there should be no misapprehension so far as the Metropolitan Board of Works is concerned, with respect to the land which may be used for the purposes of these public buildings. We desire no other terms from the Crown than we should desire from a private individual, namely, those which are fair and reasonable, and which a jury or an arbitrator would give us; but we should certainly oppose most strenuously any attempt to compromise the question on the plea that we are released from certain obligations, and are saving, as has been alleged, 230,000*l.* for an approach, and that you must have regard to that saving in determining the value of the land. If we are released from the obligation of spending 230,000*l.* on that approach, we are willing and desirous that the money should be expended in perfecting the approaches elsewhere; and if the land is to be purchased, as we have already purchased land of the Crown, and have expended enormous sums in reclaiming it from the river, and have made it what it is, namely, building ground, the ratepayers of the metropolis must be thoroughly

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thoroughly recouped the fair value of that land, whatever it might be; we desire to fix no arbitary sum, but the Crown in approaching that question, must approach it as if they were buying land at its fair market value; I am quite sure that neither I nor my colleagues will take into consideration the release from the obligation to form this roadway, or the reduction of the amount to be paid whenever it may arise; of course, that land is vested in us for public purposes, and if Parliament takes off its band, and relieves us from that obligation, then it becomes land to be disposed of for building purposes, and the ratepayers of the metropolis have a right to be dealt with in the same way as the Crown dealt with us when it disposed of that foreshore; I was only anxious that there should be no misapprehension in dealing with this matter.

1561. Supposing that you speak only in the interest of the ratepayers, and the choice as regards the ratepayers lies between their being relieved from this charge of 230,000 *l.* for this roadway, and their getting not the full value, but a value for this land, would you not consider that 230,000 *l.*, which otherwise they would have had to expend; and if that was not so considered, and the whole thing fell through, and they had to make this road, do you not think, in the interest of the ratepayers, it would be desirable to consider such a point as that?—I think you must eliminate from this question of the value of the land the cost of that approach, because if that approach is not to be made, or *an* approach is not to be made from that point, it will be made from some other point, and that fund will be devoted to the perfecting of the other approaches. When you come to the question of the value of the land, it must be taken in the ordinary course of procedure, and ascertained either by a jury or an arbitrator, as the case may be.

1562. Those who are responsible to Parliament for advising the expenditure of public money in these matters might say, "If we can get this at a reasonable rate we are prepared to recommend so and so with reference to the sale of land at one place and the purchase of land at another place, and the ratepayers shall be relieved from certain liabilities; but if we cannot get this land at a reasonable price, and we have to give something like 500,000 *l.* or 600,000 *l.* to purchase it, we then cannot recommend such a case to Parliament, and things will remain as they are, namely, that a roadway will have to be made by Act of Parliament which will totally destroy the value of this property, of which at the present moment you cannot make any use, of any sort or kind *qua* diminishing the rights of the metropolis." Such a proposition as that might arise, and in that case probably in the interest of the ratepayers, you might think it desirable, although you to a certain extent, take your stand on the position you have just now laid down, to modify your views upon that?—At present I think it is quite right that the stand should be made.

1563. Mr. *Layard.*] You only say that that is your opinion, but you do not say what the Board of Works may do?—I am merely expressing my own opinion.

1564. *Chairman.*] And you take a stand which you think you can take in equity?—Yes; I think so.

Monday, 26th April 1869.

MEMBERS PRESENT:

Mr. Buxton.
Capt. Dawson-Damer.
Mr. Dilke.
Lord Elcho.
Mr. Gregory.
Mr. Beresford Hope.
Mr. Alderman Lawrence.
Mr. Layard.
Lord John Manners.
Lord Sandon.
Mr. Sclater-Booth.
Mr. William Henry Smith.
Mr. Tite.

LORD ELCHO, IN THE CHAIR.

Rev. HENRY WHITE, M.A., called in; and Examined.

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1565. *Chairman.*] I BELIEVE you are chaplain to the Chapel Royal, Savoy?—Yes.

1566. You naturally have taken an interest in this roadway from below Charing-cross Bridge to Wellington-street, Strand, which originally was to have passed through a portion of the grounds of the Savoy Chapel?—Yes.

1567. You have, I believe, called public attention to this matter; indeed, I may mention here that the deputation which I accompanied to the First Commissioner of Works was promoted by you, was it not?—It was.

1568. You promoted that deputation, and have taken an interest in this matter upon public grounds solely?—Solely.

1569. Speaking in the interest of the public, what are the grounds upon which you object to this proposed roadway; just state shortly your objections to this roadway?—The main objection I took to it was the waste of valuable ground reclaimed from the river, such ground as it would be impossible to set a value upon; next, the unsightliness of the proposed road, with whatever conditions of beauty it might be surrounded, the costliness of the road itself, and its costliness also in respect to the damage to valuable property in the rear; in fact, the entire costliness of the whole project.

1570. As regards its cost, and its doing away, in a great measure, with the possibility of making that land available for other purposes, there can be little or no dispute; with reference to the communications in the metropolis, do you consider, looking to the arterial lines of communication which the map shows, that the roadway, as proposed, from underneath Charing-cross Bridge to Wellington-street, Strand, is an essential communication?—Certainly not.

1571. It would not be in the line of arterial communication between the chief points of the metropolis on the Surrey side, or on the north side of the river?—I think not.

1572. This line of communication would run from the left and over Westminster-bridge, Blackfriars-bridge, Southwark-bridge, and London-bridge?—I should think so.

1573. And in like manner from the north, coming in the direction of the "Elephant and Castle," it would take the same line?—I should think so.

1574. This is a transverse line, which really will not affect the main lines of traffic at all?—Not in the least, I should think.

1575. Looking to the locality itself, do the people in the locality of the Savoy hold to this line much?—With one or two exceptions, every man is opposed to it, so far as I know.

1576. They would rather see this ground made use of for public buildings, or for recreation grounds laid out, perhaps, in combination with a public building, and terrace gardens?—I think so.

1577. That would be to the locality itself a much greater advantage?—Unquestionably.

1578. Do you believe that, supposing eventually it was found necessary that there should be any communication between Northumberland House and Wellington-street, from the Strand, with the Thames Embankment roadway, there would be any difficulty in making such a communication in the rear of any public building that might be erected on that site?—No, I think it would be quite easy.

1579. But that would, probably, be the most feasible and most convenient way?—Provided it did not arrive at the Strand, at the corner of Wellington-street; that I consider to be a most fatal objection to the whole scheme.

1580. You object to that, not upon Savoy grounds, but you consider that that question was perfectly settled by what took place at the time?—Yes.

1581. What is your objection to the roadway entering the Strand at the corner of Wellington-street?—I think it is the very worst and most crowded point between Charing-cross and Temple-bar.

1582. A sort of "Vale of Avoca, where the sweet

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sweet waters meet"?—Yes; and I think that to tempt a still larger traffic to that corner would involve an utter impossibility for traffic to circulate there.

1583. Then to generalise your evidence, speaking as a citizen of the metropolis, you think it would be a waste of a fine site to form this roadway upon it? As regards the roadway, you do not think that it is necessary to the arterial communications of the metropolis; and speaking as an inhabitant of the district, you do not consider it locally necessary; and you state that, with one or two exceptions, the mass of the inhabitants are against it, and would approve of the land being otherwise utilised?—Undoubtedly.

1584. That is the substance of your evidence?—Yes.

1585. Mr. *Layard.*] Are you residing near the proposed road?—Hard by, in King's College.

1586. Have you much to do with the working classes in your neighbourhood?—I know very much about them, and have had a good deal to do with them.

1587. There is rather a large community of working men in that part of London, is there not?—Very large, chiefly consisting of printers.

1588. Do you think that a public building such as a museum of natural history, combined with handsome gardens, upon the piece of embankment between Charing-cross and Wellington-street would be an advantage to that community of working men?—I think that the museum would be very acceptable to them; the gardens, except for the purpose of appearance, do not seem to me to be so necessary, because of the contiguity of the parks.

1589. As regards public recreation, taking it in its largest sense, namely, recreation for the working, and poorer classes, would you look upon a museum of natural history as quite as much a place of recreation as a garden?—Yes, considering the contiguity of the parks.

1590. And you think that working men would resort to a museum of natural history if placed upon the Embankment?—Undoubtedly.

1591. Do you think it would be an advantage if we could have both, a museum, and handsome gardens in front?—Certainly.

1592. As regards the inhabitants of that part of the metropolis, you do not think that any objection would be made to the erection of a museum of natural history on this site?—No; quite the reverse.

1593. Lord *Sandon.*] What class of houses are they principally that abut upon the old line of the river?—They are chiefly stables, and the remnants of wharves, in use before the Embankment was constructed.

1594. Are many of the houses occupied by families of labourers, the working-class?—No, not on the south side of the Strand.

1595. You think it would be rather an advantage than otherwise to the property that is adjacent if these back parts were improved?—Unquestionably.

1596. It would raise the value of the property?—Most undoubtedly; it is nearly valueless now, by reason of the Embankment.

1597. Mr. *Beresford Hope.*] I think I understood you to say that a museum would be as truely a recreation ground for the people as anything?—Quite so.

1598. I suppose, looking at the conformation of the ground, it would be impossible to devote any part of it to athletics, to a cricket-ground, or anything of that sort?—It is not large enough for those purposes.

1599. You do not think there is any desire among the working-classes in your neighbourhood to have that species of recreation ground?—I think they would prefer the other.

1600. Taking the ground that is not occupied by any buildings, but which is left open to the public, I presume they would rather like that as ground to walk about in with their families?—Decidedly.

1601. Therefore, the garden ground, so to speak, had better be laid out in terraces with flower beds, than in mounds and shrubberies?—Yes; I think working men would look upon it as a waste of valuable ground, to set that out as a cricket-ground, or simply ornamental ground.

1602. Or as a shrubbery?—Or as a shrubbery.

1603. You think that the plan of laying it out as a shrubbery with mounds is objectionable in itself?—Very; it is absolutely extravagant.

1604. As a man of taste, your general experience of London shrubberies is that they are not ornamental, I presume?—I have great difficulty in making my own at all satisfactory.

1605. You do not base your objection to this diagonal road on the injury which it would do to the Savoy?—It would be injurious to the Savoy; but in the presence of other objections, that is of minor importance.

1606. Still, it is of a certain importance, and a matter upon which you can speak with authority, which no one else can; it would, to a certain extent, still be injurious to the Savoy?—Undoubtedly.

1607. *Chairman.*] Why so? Because it now avoids the Savoy?—It would throw the chapel, the chapel grounds, and the square in which the chapel stands, into a well.

1608. Mr. *Beresford Hope.*] Under the present plan, will it still cut off a corner of the church-yard?—No; a concession was made to the Queen in that respect.

1609. I knew a concession was made, but I forgot whether it was only diminishing the evil, or removing it?—Only diminishing it.

1610. The corner of your ground will still be cut up?—No; it diminishes it to that extent; but still that is not enough.

1611. It will still leave the chapel in a greater hole than it is now?—Oh, yes; far greater.

1612. Lord *John Manners.*] Will you explain whether, leaving the chapel in a hole, there would be any compensating gain on the other hand by the removal of the houses which stand behind the chapel. Supposing the road was made, would not inconvenient and awkward houses be moved which now stand on the south?—No, not in the least; some of the houses are empty, and the others are unobjectionable.

1613. But there are houses on the south of the chapel which this road would remove altogether?—Yes; no objection will be raised by anyone to their removal.

1614. What I want to know is whether, if the road on the one hand would tend to put, as you express it, the chapel in a well, it would not, on the other hand, remove houses that now stand between what I may call the sunshine and the chapel?—The houses at present on the side of the chapel are not objectionable at all to the position of the chapel.

1615. Then you think it would be an unmixed objection

objection and loss to the chapel, without any compensating gain?—Decidedly.

1616. Is there a window at the south end of the chapel?—No.

1617. Mr. *Beresford Hope.*] Then the sunshine would not be of much use there?—No.

1618. Mr. *Layard.*] And you would have there what is very objectionable, a number of dry arches, which are always a place of refuge for bad characters, and a place for throwing dirt and filth?—We think so.

1619. Mr. *Tite.*] You objected to the original line of road, and you appealed to the Metropolitan Board, and they altered it at your suggestion, did they not?—Not at my personal suggestion.

1620. Then at whose suggestion?—I headed a deputation to the Board, with some kind of a hint that the Queen wished a diversion.

1621. And you objected to the line of road which was proposed?—Yes, I did.

1622. And you agreed, I think, to the line of road which was subsequently introduced into Parliament?—Yes, I agreed in my official capacity.

1623. What is that?—As chaplain of the Savoy.

1624. Then what is your objection now?—My objection now is on public grounds.

1625. Then that which you agreed to on private grounds you object to on public grounds?—That which I was obliged to agree to on official grounds, I should certainly have objected to on personal and public grounds.

1626. But why did you not take the objection at the time?—I had not then looked into the matter, except as it affected the chapel.

1627. Then it does not affect the chapel, as I understand you?—Not so much as before.

1628. Does it affect it at all?—It will, as I said before, tend to throw the chapel and all its surroundings into a well.

1629. How can you avoid that?—By abandoning the road.

1630. Is that so, because the well is still there?—Only on one side; then it would be on both sides.

1631. I do not quite understand you?—At present the chapel is more or less open to the river.

1632. You cannot see the river from it, can you?—Oh, yes, you can.

1633. Lord *John Manners.*] Are there any houses between it and the river?—There are houses, but there are openings.

1634. Will there be any houses if this road is made between it and the river?—No; there can be nothing but this road.

1635. Mr. *Tite.*] But there are arches?—Arches are even more objectionable.

1636. But if you could see through between houses, you could see through between the arches of a viaduct, could you not?—It very much depends upon the kind of arches that are built.

1637. Was it proposed to you at the time when you agreed to it, in point of fact?—That was not urged. When I went with the deputation, the only point raised, upon which I gave an opinion, was the nearness of the viaduct to the chapel. I was given to understand that the Duchy of Lancaster would not object if the viaduct was removed some 12 or 14 feet away from the chapel. If that were done they would be satisfied; and because they were satisfied I did not feel justified, in my ignorance of the whole project, in raising any further objection.

1638. Who was the principal person who raised the objection?—I attended the Committee of the House of Lords last summer, and then, for the first time, I realised all the objections to this viaduct, which I have just now given.

1639. They were raised by Mr. Clark, the auctioneer, were they not?—He promoted the petition, but I attended the Committee as a listener, and I declined to challenge public opinion at that time, because I thought it would be better to wait until the meeting of Parliament.

1640. You are aware, I suppose, that Mr. Clark's house is taken?—Yes.

1641. And the other house of his partner, Mr. Lye, is left?—Yes.

1642. Mr. *W. H. Smith.*] Are you aware whether there is any necessity, so far as the immediate neighbourhood is concerned, for an approach to the Embankment by means of a roadway (there will be approaches for foot-passengers from the several streets which communicate with the Embankment), but are you aware whether there is a necessity for a roadway approach, so far as the immediate neighbourhood is concerned?—I think not at that point.

1643. Has any feeling been expressed in the neighbourhood, or in the adjoining parishes, the parish of St. Paul, Covent-garden, or the parish of St. Clement Danes, in the Strand, with reference to their own immediate necessities?—Not within my knowledge.

1644. You are well acquainted with the general feeling of the neighbourhood?—Fairly so.

1645. Mr. *Tite.*] Do you think it necessary to have a communication with the Strand between Hungerford-bridge and Blackfriars-bridge, or is there to be no communication whatever?—Certainly; I always assumed there would be a communication either at Norfolk-street or Essex-street.

1646. You are in favour of a communication at Essex-street?—I do not pretend to say that, only I assumed, in my objection to this viaduct, that there would be approaches either at Villiers-street or some other street close by, and again, either at Essex-street or Norfolk-street. In my judgment it would be better certainly not to make an approach to tempt the traffic into so crowded a portion of the Strand as that between Charing-cross and Norfolk-street, but that a few approaches not so tempting, even if they were slightly inconvenient, would be better than a great tempting approach like this viaduct.

1647. However, you think there ought to be one?—I am not prepared to say that there necessarily should be one between Norfolk-street and Villiers-street.

1648. There would not be, I suppose, practically; Essex-street might admit of it?—If there be approaches at Villiers-street and Norfolk-street, I think the public convenience will be satisfied; but I think it will be desirable to make two or three less important approaches between, but not such approaches as to attract a large traffic into the narrow portions of the Strand.

1649. Have you paid any attention to the communication from Charing-cross with the Embankment?—In a general way.

1650. But I presume you never imagined there was to be a viaduct from Charing-cross to Wellington

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lington-street?—From the bottom of Villiers-street, I understand.

1651. A viaduct?—Partly a viaduct, and partly an earthwork.

1652. *Chairman.*] Do you mean that there was to be a viaduct the whole way, or that it was to be partly roadway?—Partly earthwork, and partly on arches.

1653. Mr. *Tite.*] I am speaking of Charing-cross?—From the bottom of Villiers-street.

1654. That is where it is proposed to be?—Yes.

1655. Then there was never any misapprehension in your mind as to what the real project was, whether you approved of it or not, that it was to be from the bottom of Villiers-street to Wellington-street?—I always believed those to be the points of departure and arrival.

1656. As to the engineering means, you were not perfectly informed upon that subject, probably?—Not until last summer; when I was at the head of the deputation of which I spoke of just now, I had no knowledge of the project in its completeness.

1657. However, you knew, I suppose, that it would not be necessary to arch it all the way, because you started from nothing?—I did not at that time give my mind to the general question, but only as it affected the nearness of the viaduct to the Savoy chapel.

1658. Lord *John Manners.*] When you say that the working people in your neighbourhood have sufficient park accommodation at present, you allude, I presume, more especially to St. James's Park?—Mainly to that.

1659. Has it ever occurred to you, at the middle or about the end of the summer, to look at the condition of St James's Park?—I have seen it at such times.

1660. Do you think that it is so frequented by masses of poor children that anything which takes away a portion of those poor children and places them somewhere else, would be beneficial?—I am not aware that I have seen it unpleasantly crowded with children.

1661. Have you ever seen the grass completely destroyed?—Yes; but that would be if there were only half the number of children.

1662. I suppose the poor children from your neighbourhood do frequent that park especially?—Very much so.

1663. Would it, in your opinion, be a good or a bad thing for the children in your neighbourhood, and for St. James's Park itself, if they had nearer to their own doors, another place for recreation?—Undoubtedly, it would be an advantage.

1664. *Chairman.*] Do you think there are other considerations in the interest of the working classes, with reference to laying out gardens and places of recreation than having mere tumbling greens for their children?—I think a sensible working man would prefer a permanent museum to a rather faded and dried-up piece of grass land.

1665. We will take the Crystal Palace for instance; working people frequent that very much, do they not?—Yes, very much.

1666. The Foresters go there, 60,000 at a time, do they not?—Yes.

1667. Do you think they would prefer the Crystal Palace, if there were no flowers, no vases, no statues, and no terraces, but if it were simply a tumbling place for their children?—No, I think not.

1668. Do you think, from your knowledge of the working classes, that they like beautiful things as well as any other class?—I think so, more especially in my neighbourhood, because the bulk of them there are printers, who are usually a more intelligent class of men.

1669. Mr. *Beresford Hope.*] Do you think the worn-out condition of the grass in St. James's Park in summer is an argument against making recreation grounds with grass slopes, rather than with terraces?—Of course everything will dry up in summer.

1670. In an asphalte pavement there is nothing to dry up?—No.

1671. *Chairman.*] Do you think that a better regulation with reference to these gardens would be by combining the two things, that that would be better than what is shown in St. James's Park?—I think so long as children are suffered to go upon grass at all, it will, in a few days, come into the condition which St. James's Park presents during the summer.

1672. Lord *Sandon.*] I presume a large portion of the population about Covent-garden are much too poor to go to the Crystal Palace?—But a very large portion are not so poor.

1673. A very large portion are of a very poverty-stricken and wretched character?—Yes.

1674. Therefore it is an object, if possible, to combine the two things, in order to get plenty of recreation for these wretched people, which they cannot get, as well as the working classes, who are better off, who can go to amusements?—Yes.

1675. Mr. *Layard.*] Have you not found that the poorer classes are very fond of flowers?—Yes.

1676. And I daresay you have seen them, as I saw them yesterday, walking up and down the walks in Hyde Park, looking at the beds of flowers?—Yes.

1677. That seems to afford them great enjoyment?—Yes.

1678. And do you not think that flower-beds would afford them greater enjoyment than a mere piece of grass, which would soon become a tumbling ground for the children, and be dried up in the summer?—I think so.

1679. *Chairman.*] As regards the Thames Embankment, and the ornamentation of the metropolis, with a view to what we call the education of the eye of the working classes of the metropolis, clearly it would be better that the ground should be laid out in terraces with flowers, than that it should be what I have described as a tumbling green for the children?—Yes.

1680. With reference to air and space, whether it was laid out in one form or the other, the effect upon the health of the people of the metropolis would be equal?—Yes.

1681. Lord *John Manners.*] I am sorry to have to put this question to you, but as a matter of taste, do you think that all grass should be excluded from the banks of the River Thames?—My object in saying that was to express my opinion that to set out a valuable plot of ground of that size simply for the sake of grass, mounds, and swings, would be accounted, even by the working man, a wasteful expenditure of property.

1682. *Chairman.*] In your reply to my questions, I suppose you assumed that in putting them I anticipated that this public building, or

these public buildings, would be combined with terraces, grass, and gardens; that that was part of the scheme?—Yes, certainly.

1683. When one refers to terraces and flowers, one assumes, probably, a certain amount of grass and gardens?—Yes; grass without traffic going over it will flourish very well in London, but with the traffic of children going over it, it will not flourish even for a week.

1684. Mr. Alderman *Lawrence.*] Do I correctly understand you to say that any open spaces left for the public are generally likely to become nuisances?—I do not say so.

1685. It is not your opinion that they would become nuisances?—Certainly not.

1686. Because it seemed rather to be implied that if this place is left open, it must necessarily become a tumbling ground for children; do you think that that is a certainty?—I thought the question assumed that it would be laid out as a recreation ground, and therefore I said I thought that even the working man would better esteem a museum of natural history, with the privilege of sending his children to St. James's Park, rather than to see an available and a valuable site of this kind laid out simply as a grass plot, or an athletic ground, or the like.

1687. Is there any plan marked out in which it is suggested that it should be laid out for an athletic ground or a gymnasium?—The question was put to me once or twice rather in that form, whether I thought a working man would appreciate opportunities of public recreation of that kind.

1688. Do you think that the working classes would appreciate this ground, if laid out in walks, with grass and flowers, as much as if it were covered in for some building, enclosing articles of taste?—I think, if both were combined, the working man would prefer it.

1689. The ground that would be covered, of course could not be open?—But I presume that no building would be constructed so as to cover the entire space; there would be some room left between the building and the river, and if that were laid out ornamentally, with flowers and terraces, it would be a very desirable thing.

1690. Do you not think it would be as congenial to the taste of the working man if some of the present buildings were removed, and public buildings placed upon their site, and the whole space now open, laid out in walks with flower-beds?—The working man would probably reflect upon the costliness of such a proposal.

1691. But as to how it would meet his views with respect to his enjoyment, do you not think he would appreciate quite as much the whole space being left open and laid out in walks and planted with flowers, and some portion of those ragged houses adjoining pulled down, and public buildings placed on their site, as a portion of the open ground being abstracted for placing public buildings upon it?—Of course, if a working man could have both public buildings and a public recreation ground at the same time, and at the same cost, he would prefer to have them both, rather than to have only one.

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1692. Does cost enter into your calculation with respect to these improvements that are being carried out in London; do you apprehend that it affects the working man?—I should think that the price of coals, or whatever dues the money would be gathered from, he would feel very keenly.

1693. Do you apprehend that the dues will be removed one year earlier, whether this building is placed on the site of the houses that are now existing, or placed on this ground?—I suppose every little helps both to increase and to diminish the revenue.

1694. Are you aware what the duty on coals is?—I have not the least idea.

1695. Do you know the weight of taxation upon the working man with respect to these coals; are you aware how much of that coal-tax it is presumed a working man pays in a year?—No, I have never calculated that.

1696. Are you aware that it is calculated that a working man consumes a ton of coals a year?—I have never gone into the calculation at all.

1697. And are you aware that the duty upon a ton of coals is 1*s.* 1*d.*?—Yes.

1698. Therefore that is the amount of taxation that falls upon the working man?—Yes.

1699. Then in your opinion, if the cost were equal, it would be more desirable to keep the open space, and build the public buildings upon the site in the neighbourhood of the old buildings?—If the cost were equal, certainly.

1700. Can you inform us of any open spaces in which the poorer classes may circulate with the exception of the parks?—No, I cannot, except the Temple-gardens, which are very freely open to the use of children provided they are dressed fairly and respectably.

1701. They are not open to the working classes generally?—I have seen working men's children there.

1702. They must be respectably dressed?—Yes.

1703. Are Lincoln's-inn-fields open?—Not at all.

1704. Is there any ground or garden open except St. James's Park?—None that I am aware of.

Mr. Henry Bidgood, called in; and Examined.

1705. *Chairman.*] I believe you are the vestry representative of the parish of St. James on the Metropolitan Board of Works, are you not?—I am the representative of the parish, elected by the vestry.

1706. Have you been in that position for several years?—Yes, nearly the whole time that the Metropolitan Board of Works has been in existence.

1707. Then you are aware of all the various phases through which this question of the Embankment and roadway has passed?—Quite so.

1708. I shall not trouble you with any question with reference to those phases, but I wish to ask you whether it is or is not the case that the vestry of St. James, of which you are the representative, has petitioned Parliament against this roadway?—That is the fact.

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1709. Did you petition on your motion?—Quite so.

1710. Having petitioned on your motion, you naturally know what moved you to get the vestry to petition; will you kindly state to the Committee what are your grounds of objection to this

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roadway?—My objection to the roadway is mixed up with the question of the west end approach to the Embankment, and I think in the petition, if I remember rightly, both objects were embraced: the objection to the roadway, as not being necessary, and the great necessity of a west end approach.

1711. Perhaps the shortest way will be for you to read the petition?—This is the petition: "To the Honourable the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled: the humble Petition of the Vestry of the parish of Saint James's, Westminster, in the county of Middlesex, sheweth, that your Petitioners have seen with much satisfaction a roadway formed on the banks of the River Thames, whereby the metropolis will be considerably benefited, and a great addition made to its beauty. That it becomes a matter of first importance, in order to promote the usefulness of the Embankment roadway, to have suitable approaches thereto, and your Petitioners are thoroughly convinced that too much attention cannot be given to that object, lest by the adoption of inadequate plans the utility of this fine roadway should be marred. That your Petitioners are of opinion that the proposed roadway to be raised on a series of arches from the Thames Embankment to Lancaster-place, Waterloo-bridge, which has been sanctioned by your Honourable House, will be very unsightly; and that it is extremely questionable whether such a structure is required for the traffic of the metropolis. That your Petitioners are also of opinion that the best way of utilising the roadway of the Embankment is by giving the most direct access to it from the east and west, and your Petitioners do therefore most earnestly desire that a direct route to the Embankment may be afforded from Trafalgar-square to the large parishes of Saint James's, Saint George, Hanover-square, Saint Marylebone, Paddington, and the other populous parishes lying to the west of Charing-cross. Your Petitioners therefore humbly pray that your Honourable House will interpose delay in the execution of the said roadway as proposed, until further inquiry has been instituted as to its necessity, and whether much better and far more useful approaches cannot be made. And your Petitioners will ever pray," &c.

1712. I suppose you drew that up yourself; you moved the resolution, at any rate?—Yes.

1713. When that petition was carried in the vestry on your motion, you had come to that conclusion from information then at your disposal?—Yes.

1714. Since that petition has been laid before Parliament, Parliament has ordered an inquiry, which inquiry is now taking place before this Committee, and I think you have been present on one or two occasions during the course of that inquiry?—I have.

1715. Has the evidence which has been given before this Committee in any way led you to alter the views which you held when you moved the vestry to petition Parliament?—Not in the least.

1716. Are the views which led you to move the vestry strengthened and confirmed by what you have heard before this Committee?—They were as strong as they could be before, and therefore cannot be stronger.

1717. In that petition it is stated that the roadway is to be on arches from Hungerford-bridge to Wellington-street, Strand; is that statement with regard to its applying to the whole line, an accident, or were you aware that only a portion of the roadway would be on arches, namely, where it gets to a greater height at Wellington-street?—That may be so, but the objection will remain quite in as full force, inasmuch as it would be the higher portion of the roadway which would be on arches, and therefore the most objectionable.

1718. I asked you that question with the intention of finding whether the view you expressed antagonistic to the roadway has been at all modified by the fact of your now knowing that perhaps the larger portion of it will be on an incline of earth on the Embankment?—The objection is quite as strong to the non-necessity of the roadway altogether as it was originally to its being an unsightly thing.

1719. Judging from what that petition states, you do not consider that this roadway is essential to what I may term the arterial communications of London?—I do not.

1720. But you do consider that having regard to the arterial communications of London, of those great populous and important districts, St. James's, St. George's, Marylebone, Tyburnia, and also Belgravia, there is a necessity for some good approach to the Embankment?—In the language of the petition, I think that too much attention cannot be bestowed on the approaches in that direction, namely, from Charing-cross on to the Embankment, and from the Bank on to the Embankment at the other end.

1721. Then you consider that an approach to the Embankment, somewhere from Charing-cross, through Northumberland House, or in some direction near it, is essential as a great arterial communication in London?—I think there can be no doubt of it.

1722. This roadway would give no advantages of any kind in that respect to these districts, would it?—None.

1723. It would not in any way facilitate direct communication between those districts and the Surrey side of the river?—No.

1724. Any person going from Belgravia to the "Elephant and Castle" would not pass that way?—Certainly not.

1725. Any person going from St. James's to the "Elephant and Castle" would not go over there?—Certainly not.

1726. Or any person going from St. George's?—No.

1727. Or Tyburnia?—Certainly not.

1728. Or from Marylebone?—Certainly not; all those questions I apprehend have reference to the roadway from Lancaster-place.

1729. All those questions have reference to the roadway from Lancaster-place up to Hungerford-bridge?—Quite so.

1730. You are strongly in favour of a direct approach from Charing-cross. How do you think that approach could best be made, from your experience of the past, and from your conclusion on the evidence given before this Committee?—My own opinion is so strong in favour of the one route that I cannot imagine any other to be so convenient for the public.

1731. When you say "the one route," which do you mean?—The direct route from the Opera House down on to the Embankment, leaving the National Bank as the right hand corner house of the new approach.

1732. And

1732. And going through Northumberland House?—Without question.

1733. Taking Northumberland House?—Without question, as you would any other house.

1734. That would be the direct route?—The direct route.

1735. Have you heard of a proposal, or, rather, a suggestion, made to this Committee, with regard to avoiding Northumberland House, and curving round it from Charing-cross in the line delineated white upon the plan, taking only a very small corner of Northumberland House garden?—I know everything that has been proposed.

1736. That would give the communication, would it not?—It would give the communication in an indirect way which the other gives in a direct way.

1737. That is, it would give the communication in a curved form instead of a straight line?—Instead of a direct form.

1738. But in other respects the communication would be as direct and convenient, the only excess of distance being that between the straight line and the curve?—A curved line cannot be so short as a straight one; if I had my choice of the two routes at the same cost, without question the direct route would be the one which I should prefer; but, if I have to pay twice as much for the indirect route as I have for the direct one, then my case is doubly strengthened.

1739. Upon that answer I would ask you, which, in your opinion, would be the most costly, the curved route or the direct one?—I have no doubt that the curved line would, inasmuch as you would have to take down most valuable commercial premises, and would have to compensate parties for their interest in their premises; you would take nearly all the commercial premises between Northumberland House and Craig's-court.

1740. But irrespective of the line that this road is to take, whether it is to go through Northumberland House direct, or curve round it, do you hold it to be essential that this line should be made somewhere in that direction?—I hold it essential that if the Embankment is to be of the slightest service for the great west-end parishes, it must have a first class approach.

1741. Do you consider that the money of the ratepayers would be better expended in the interest of the ratepayers generally throughout the metropolis in the formation of such an approach as that you have now suggested, than in the formation of the roadway now ordered by Act of Parliament, from Wellington-street to Hungerford-bridge?—I cannot imagine anybody with any knowledge of west-end traffic who would not be of that opinion. There is hardly a comparison to be instituted.

1742. Do you think it would be a waste of this land to use it for a roadway when it might be made available for public buildings?—Very much so.

1743. And in the interest of the ratepayers of the metropolis, and as representing the ratepayers of St. James's Vestry on the Metropolitan Board, you would be rather in favour of such an application of the land as that?—Quite so.

1744. Do you believe, looking to the line of the ground, that supposing a public building, such as has been suggested, were to be erected, combined with gardens, on that site, it would be feasible to establish a communication on each side of that building with the Strand, in the rear of the building?—If it should prove to be necessary, no doubt the thing could be done, but traffic is a very delicate thing to meddle with. If you form a number of roads which in your opinion will answer a proposed end, it is very possible that the public will not be of your opinion, and that you will eventually find that you have formed a roadway which nobody makes use of. Traffic makes its own line.

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1745. Then I gather from that answer that you have just given, that, in your opinion, the wisest course will be to wait until you see how the traffic, when this road is open, is inclined to go?—That is the wisest course, and that is the point of our petition.

1746. Now, looking further eastward, beyond Somerset House, you have heard what has been said about approaches in that direction by Essex-street; do you believe that it would be an essential to have an approach to the Embankment from the Strand in the direction of Essex-street?—I think you must have one at Essex-street, and for this reason, that at Essex-street you take advantage of a greatly depressed level, that is to say, at Essex-street I think you are six feet lower than you are at Waterloo-bridge or at Wellington-street. It is the natural outfall of what would be termed the watershed. Everything slopes down to that.

1747. It is the natural outfall of the traffic?—It would be the natural outfall of the traffic.

1748. And that, whether the new law courts are on the Carey-street site in the whole or in part, or on the Embankment site, in the whole or in part, that would be a desirable approach to make, would it not, I mean the Essex-street approach from the Strand to the Embankment roadway?—No doubt it would, partly on account of its being a better gradient, and also that, coming off as you would in that case, from Messrs. Twining's, you would set back those houses which project out northerly from Messrs. Twining's, and you would come off with a very nice easy curve from Temple Bar on to the Embankment.

1749. Then supposing Essex-street were not made, and supposing the new law courts were on the Carey-street site, this roadway from Wellington-street to the Thames Embankment would not relieve in any way, as regards persons coming from Carey-street to the Houses of Parliament, the traffic at that portion of the Strand between Carey-street and the corner of Wellington-street?—I think not.

1750. And if there was an approach from Carey-street by Essex-street to the Embankment, that would relieve a portion of the Strand?—No doubt it would very much.

1751. In the same way, supposing these law courts were to be placed on the Embankment site, this Wellington-street approach would not any more relieve the traffic along the Strand with regard to persons going to the Houses of Parliament?—It would not relieve it at all.

1752. Whereas, in the case of the Essex-street approach, that would relieve it?—It is on the ground of the non-necessity of the roadway from Lancaster-place down to the Embankment, on the ground of its absolute non-necessity, that we found our petition.

1753. Exactly; but I want to prove, by going into these details, the existence of this non-necessity, if one can so express it: looking to both ends,

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ends, looking to the east and looking to the west, the result of your evidence is that, in the interest of the ratepayers of the metropolis, and for the public convenience, it would be better to make an approach to the Embankment roadway by Charing-cross in the direction of Northumberland House at the one end, and by Essex-street at the other, in preference to making this roadway between Wellington-street and Hungerford-bridge?—Entirely so.

1754. This roadway, which, as you see, is coloured red on that map, is about at right angles, not only with the Embankment, but also with Whitehall-place?—It is.

1755. Now this roadway would not in any way benefit persons going from Charing-cross over Westminster-bridge, and it would not relieve that traffic in any way, would it?—No; because you would have to go down so far, that any person driving there would naturally turn down Parliament-street and over Westminster-bridge.

1756. So that that narrow neck between Cox's and Drummond's would not be relieved of the traffic?—Not at all.

1757. There is, at the present moment, a great deal of traffic at the corner of Bridge-street, Westminster. That traffic would in no way be relieved by the present plan, would it?—Any person coming down from Charing-cross, and turning into Whitehall-place, and getting on to the Embankment, if his destination is Westminster-bridge, would clearly avoid the semaphore.

1758. According to the present plan?—Yes.

1759. You think, according to the present plan, they would go along Whitehall-place and turn round at the angle thereon to the roadway?—No, I do not think they would, because they would have to make an angle, but if they did, clearly they would avoid the semaphore.

1760. But they would greatly lengthen the distance?—Greatly.

1761. For a person coming from the Admiralty, going round as proposed by Whitehall-place on to the Embankment, and then coming up at Westminster, that would be clearly longer than proceeding along Whitehall, Parliament-street, and Bridge-street?—Yes.

1762. Mr. *Layard.*] In your opinion, would a public building, such as a museum of natural history, be a proper building to be placed on the Embankment; do you think it would offer advantages to the working classes of the neighbourhood?—There can be no doubt of it.

1763. And with your knowledge of the working classes in your district, do you think a museum of natural history, combined with handsome flower gardens, would be, in the sense of the Act of Parliament, a place of recreation for working men?—I do not know whether the Act of Parliament mentions working men especially, but it would be a convenience for everybody, and a great ornament to the river.

1764. The Act of Parliament enacts that the ground shall be used as a place of recreation. Do you consider that, using that space of ground for a museum of natural history, and for gardens, would be complying with the Act of Parliament?—For everybody, no doubt.

1765. Mr. *Tite.*] With regard to the suggestion you have spoken of, of making a road from Charing-cross near Northumberland House, are you aware that the Metropolitan Board had a Bill in Parliament for carrying that into effect?—They had.

1766. And do you know that it was withdrawn because the Duke of Northumberland had the power upon some arrangement made with him before the Metropolitan Board had anything to do with it, of preventing anyone touching Northumberland House without his consent?—I am not quite sure that we approached the Duke quite in the right way at that time, seeing that we were about to ask him to give up his house, but I know that that Bill was in Parliament.

1767. And his refusal prevented it going on?—No doubt.

1768. With regard to the road of which you have spoken, from Hungerford-bridge up to Somerset House, did you always oppose that?—Always.

1769. Both in the Board and out of it?—Both in the Board and out of it.

1770. And a good many men sympathised with you in that view?—No doubt.

1771. Only we were compelled to make it by Act of Parliament, and there was an end of the question?—That is so.

1772. Do you imagine that a road must be made somewhere from the Thames Embankment to the Strand, and do you think a better place can be found than Essex-street?—No better can be found than Essex-street.

1773. Then you mean this, that if we can make a road from Charing-cross on the Thames Embankment, and use the money, it would be more desirable to spend the money in that way than in making a road from Hungerford-bridge to Wellington-street; is that the meaning of your petition?—The meaning of our petition is that we hope never to see a crooked road made at Charing-cross, but that we do hope to see, at whatever cost, a direct road from Charing-cross.

1774. You have not seen the altered plans, I suppose, which Sir John Thwaites produced the other day?—I think I have seen everything connected with this matter.

1775. Do you think that is very crooked?—I think it is not straight.

1776. Lord *Sandon.*] Have you ever observed going along Cockspur-street, that if you sweep away Northumberland House, the eye along that whole vista will immediately fall upon the great railway shed?—That railway shed is, without doubt, a very ugly thing, but the buildings that would be erected there on the left-hand side would effectually shield that monstrosity.

1777. But does not the fall of the ground there make it almost impossible to get buildings of such a gigantic height as to cover that shed, which is probably the most unsightly object in London?—I have said that the National Bank would form the right-hand corner, and the buildings on the opposite, that is, the left-hand corner, if equally high as the National Bank, which of course they would be, would almost entirely shut out from view the shed of the South Eastern Railway Company.

1778. May I venture to ask, if that is the result of accurate study, or only an opinion?—It is not an opinion.

1779. Is it the result of measurement that buildings of such a character could be erected?—Not measurement, so much as standing in the roadway, opposite Waterloo House, and taking the angle which would be presented by buildings equally high on the left-hand, and continued all the

the way down on the left-hand side. I mean buildings equally high as the National Bank.

1780. Can you tell me at all how many storeys those buildings would be?—I think the National Bank is six storeys high.

1781. But I mean, when the ground falls on the left hand of your supposed road, how many storeys high would the houses require to be to mask that great railway shed?—I should think they would be about as high as the National Bank. It is not the buildings nearest the shed that would shut it out from view, but those nearest to Charing-cross, and that would constitute the left-hand corner.

1782. But there is a rapid fall of ground there, if I am not mistaken, between Northumberland-street and Northumberland House?—We should not go near Northumberland-street, and the fall is not very rapid. It is partly on that ground that I advocate a straight line from Charing-cross, because it is the easiest fall; and another thing, you do not go down an incline and then have to rise again, which you would do if you dip into the throat of Charing-cross.

1783. *Chairman.*] Will you look at this plan which I have in my hand; I see lines marked here uncoloured, which pass through Northumberland House in a direct line from Charing-cross, from Charles I.'s statue, and one line cuts the Embankment road at the westernmost pillar of Hungerford viaduct; is that the line you refer to?—That is a line direct from the Opera House.

1784. It takes off one end of Northumberland House, and goes through the centre of the gardens?—Yes.

1785. Is that a line originally proposed by the Metropolitan Board of Works for which they had a Bill before Parliament?—That is the line, to the best of my recollection.

1786. That line would come close on to the pillar before it turned on the Embankment, and it would give a very sharp angle, would it not?—Yes, but it would be a roadway equally wide with Regent-street.

1787. It would be an obtuse angle on one side, and an acute angle on the other, from its direction?—Yes, but the width is so ample that no difficulty would arise.

1788. With reference to a question put to you by Lord Sandon, as to the effect of this direct roadway upon Charing-cross station, you say that the hideous structure of the South Eastern Railway would be concealed by high buildings?—Yes.

1789. Now I wish to know, according to this direct line, what would be the distance between the site of this new roadway and the corner of the Charing-cross structure?—That will hardly convey my meaning; my notion is this, that if the National Bank stands there, and is six or seven storeys high, if you put a line of buildings equally high on the left-hand side the very first object that meets the eye, with the line continued through, would be those buildings, and you would see nothing of that South Eastern shed.

1790. You would see nothing at Charing-cross, but if these buildings, as the road descends to the Embankment, were to continue to hide this structure, they would have to be progressively increased in height?—I think not; the first object that would strike the eye would be these buildings here (*pointing to the plan*), and if the others are erected of a corresponding height the shed would be hidden; there is no very great fall between that point and that.

1791. Do you know what the fall is?—I do not, but it is not great.

1792. But, at any rate, according to this plan, supposing it were necessary at the corner of this Charing-cross station, to screen it by a building, there is no place to erect such a building?—The street forming the left-hand side would be an effectual screen, and the shed would not be nearly so conspicuous as St. James's Hall is, as you go down Regent-street.

1793. I only mean the lower part where the brickwork ceases; between that and the line of railway there would be a very small space indeed?—Which would, in my opinion, be effectually shielded by the fact of these houses being there.

1794. But at the bottom there would be no houses?—The eye would be satisfied long before it got to that point, and it would present no obstruction.

1795. Lord *John Manners.*] Do you mean that on the west your proposed line of houses would form an effectual screen?—Coming in from the west.

1796. Coming in from the west, your line of houses would form an effectual screen, but you do not, of course, wish the Committee to understand that persons going down the Embankment from the north, and up the Embankment from the south, would have their view of the railway shed obstructed?—No.

1797. Mr. *Beresford Hope.*] Do you conceive that the buildings erected along the curved line would be an equally effective screen?—They might be, but then we lose the direct route, and pay double as much money for it.

1798. Are you aware that that Northumberland House scheme was not dropped hastily, but came before the House of Commons, and that strong general feeling was expressed in the House against it?—I know there was a strong expression of feeling against it.

1799. It came before the House in the beginning of the Session of 1866, and was subsequently dropped?—It was dropped because the opposition was very great; and as we were not likely to succeed, we bowed to the opinion of the House, and withdrew it.

1800. I suppose you acknowledge a certain architectural and historical value attaching to Northumberland House?—I am aware of certain associations connected with Northumberland House, but I am not aware of any great historical value being attached to it.

1801. *Chairman.*] As a matter of fact, the curved line would give more space between the roadway and Charing-cross Station than the straight line?—That may be, but the cost would be enormously increased.

1802. Mr. *Tite.*] That is supposing we could buy the Duke of Northumberland's house at a fair price?—Yes.

1803. Why do you assume that it would be less in the one case than in the other?—Because I do not think you would have to take all the business premises below the National Bank; for instance, if you take the curved line, you would have to begin by taking the National Bank itself.

1804. But do you imagine that their business is very valuable, knowing the incidents con-

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nected with it?—You will find that the house is a very valuable property.

1805. But the trade cannot be worth much, I should think?—I am not a shareholder, and therefore cannot say.

1806. Do you imagine that we should buy Northumberland House cheaply, with all its frontage, and all its associations?—You would have to give a fair market value, and having given a fair market value for it, you would do the best thing for the west end of London that could be obtained; in the other case you will have to pay the full market value for obtaining a second rate thing.

1807. You think, then, that the one would be far cheaper than the other?—I do.

1808. Have you any estimate upon which that is based, except your own opinion?—Excepting that it has been generally supposed, that if Northumberland House would cost, say 200,000*l.*, the other would cost nearly 400,000 *l*

1809. Mr. *Sclater-Booth.*] Do you come here as representing the west-end of London?—I come here as representing the parish of St. James's.

1810. Lord *Sandon.*] There is only one other point with reference to the placing of a museum of natural history on the Embankment; from your knowledge of the metropolis, do you think there is some jealousy about moving these collections to Kensington?—I think not; I think there are some persons who would grumble, of course.

1811. You do not think there is any feeling in favour of putting the museum on the Embankment?—I think if the west-end public were asked whether they would have it at Kensington or on the Embankment, they would certainly say on the Embankment.

1812. I am not speaking of the west-end public, but generally, of all classes, whether it would not be far more practicable to have this museum on the Embankment than to banish it to Kensington?—It would be so accessible on the Embankment by the penny steam-boats, and the Metropolitan District Railway, that I think it would be much more convenient for all classes to have it on the Embankment rather than at Kensington.

1813. It is also much more available for the south of London?—No doubt.

1814. Mr. Alderman *Lawrence.*] At the present moment, I think the Metropolitan Board of Works have the laying out of the ground that has been reclaimed from the river Thames, and it is for them to lay it out for public purposes, is it not?—If I remember rightly, Parliament has given us but a very small portion of what we have reclaimed. Most of it has been appropriated by the parties whose ground abuts on the Embankment.

1815. But the part we are talking of now, the roadway which has been directed by Parliament to be made, is in the hands of the Metropolitan Board of Works, I believe?—Where the red road and the green is.

1816. That, of course, is a considerable portion of ground which is placed at your disposal, the greater portion of the ground having been, as you say, appropriated to the different owners abutting on the river Thames?—Yes.

1817. That being the case, do you think it advisable that any portion of that ground should be covered by any buildings whatever, or that the original intention should be carried out, of preserving it as an open space for the benefit of the public?—I think if the public were asked whether they would have it as open space, or whether they would have a beautiful building dedicated to their use upon the same space, that, looking at the two things, the vast majority of the public would be in favour of the building.

1818. But supposing that the building were placed upon a site at present occupied by buildings, and the open ground, laid out in gardens and terraces, as has been described, attached to this building, would not that be a greater advantage than covering any portion of the present open ground?—I am so enterely in favour of dedicating this beautiful site to public buildings, that I can strike no balance as between the claims of the two things; I certainly think it would be a great loss; an immense loss to the metropolis, if we should fail now to put up beautiful public buildings specially dedicated to the use of the public; I think we should fail lamentably in our capacity for governing the metropolis, if we did not advocate having the buildings.

1819. Then if I understand you, you are for appropriating a considerable portion of the ground that has been dedicated by Act of Parliament to the public, as open ground, to handsome buildings?—I think that Parliament, like everybody else, was not aware at the time, what a beautiful site this would be, and I think that Parliament is not wiser than other persons. The importance of the site has grown upon us, and we now see that what might have been dedicated to the public for open space, will be far better appropriated to them by erecting public buildings there.

1820. Whether Parliament made a mistake or not, your opinion is that a large portion of the ground that has been dedicated to being kept open for the public, may with advantage be used for placing public buildings upon it?—No doubt.

1821. Lord *John Manners.*] You have stated that a public building on this part of the Embankment would be very accessible by railway. Are you aware whether there is any convenient railway access at the present time to the buildings at Kensington?—I think the Metropolitan Railway has a station very near the Kensington Museum.

1822. Are you at all aware of what the number of the working classes who frequent the South Kensington Museum is at present?—I am not.

1823. Should you be surprised to hear that it is a very increasing number?—I know it must be very large.

1824. Do you think that if more inducements were given to the working classes to frequent the Museum and institutions of that nature at Kensington, more of them would go there?—I think that the facilities now offered for going to the Kensington Museum are as great as can very well be offered, and I do not see how additional facilities could very well be given to the public.

1825. You misunderstood me; I did not say additional facilities, but additional inducements; that is to say, there being already certain collections of great interest to working people at South Kensington, if more museums and institutions of that nature were placed there, it would be natural that more of the working classes would go there?—I think there is so much inducement now offered to the public to go to Kensington, that additional inducements need not be added; and

and I do think it is fair towards other parts of the metropolis that Kensington should not monopolise everything.

1826. Mr. *Layard.*] Do you not think that the south of London has a fair claim to have a museum near it?—Undoubtedly.

1827. *Chairman.*] And this museum being on that site, though no doubt, as Lord John Manners said, Kensington has the benefit of the Metropolitan railway, this, in addition to the Metropolitan railway, would have the great water communication of the river Thames, to bring people there from the eastern parts of London, and from Greenwich and those districts?—Quite so.

1828. They would be landed there much nearer than they could by possibility be brought to the Kensington Museum?—They would be landed almost on the spot.

1829. Mr. *Sclater-Booth.*] You represent, I believe, the parish of St. James's?—I do.

1830. You have spoken about the west-end, have you any authority for speaking in the name of the west-end of London?—None, except that the parish of St. James's is an influential district at the west-end of London.

1831. You spoke of this roadway through Northumberland House as being, in your opinion, necessary for the inhabitants of the west-end, in order to enable them to get on to the Embankment?—Quite so.

1832. Do you mean for the purpose of through traffic, or merely for the purpose of driving on the Embankment?—For the purpose of through traffic to the City.

1833. What portion of the west-end requires to go along the Embankment in the direction of the City?—All the inhabitants of St. James's going to the City would, in my opinion, get on to the Embankment so as to get to the Bank of England, which would most likely be the point of their destination.

1834. Assuming that the inhabitants of St. James's would take that route, is not that a very different thing from saying that the west-end of London would do so?—I fancy that it is very much the same thing.

1835. Let us examine that for one moment. Belgravia is a great portion of the west end of London?—Belgravia is a very influential portion of it.

1836. The direct access for Belgravia would be by way of Westminster-bridge to the Embankment, would it not?—It would; but all the St. George's portion between Hyde Park corner, Piccadilly, and Hyde Park corner, Oxford-street, the inhabitants of the whole of that immense block of buildings would take the same course as the St. James's people.

1837. Do you think that the traffic along Oxford-street would come down to Charing-cross in order to drive to the City?—There is a vast portion of traffic south of Oxford-street.

1838. But do you think that the Piccadilly traffic, even, would come down to King Charles's statue, in order to get upon the Embankment, when, as a matter of fact, it now goes through Leicester-square and those narrow streets, in order to get a nearer approach to the City than if it even came down to Trafalgar-square?—I think, no doubt, that the whole of the St. James's traffic must of necessity come to Charing-cross, and not go through Leicester-square.

1839. If you look at the map, it is obvious enough that the line from Piccadilly by King Charles's statue, and so on to the Embankment, and thence to the City, is a very roundabout line, as compared with the line either through Leicester-square, or along the top of Trafalgar-square and through the Strand?—But the whole of the Piccadilly omnibuses now take the Charing-cross line.

1840. Omnibuses do not of necessity go the nearest way, they go the way which suits them best, having reference to the facilities for picking up passengers?—They take the line which the public take, in order that they may get passengers for their vehicles.

1841. Is that so, do you think?—That is so.

1842. Are you not aware that there is an enormous cab traffic through Leicester-square from Piccadilly directly towards Waterloo and London-bridges?—The whole of the Piccadilly traffic finds its way zig-zag through Leicester-square and Hemming's-row, but still it takes the Strand route.

1843. But it would not answer the purpose of these cabs to come down to King Charles's statue, and take the Embankment there on their way to the City?—I should think that if the line is direct from Charing-cross, 99 out of 100 cabs would go by that route if their destination was the Bank of England, or the Mansion House.

1844. At all events you would limit the requirements of the persons living at the west-end to that portion of them who want to go through to the Mansion House or the Bank?—Yes, so to speak, that is putting the great public in another form, because everybody wants to go to the Bank of England, and to the bankers in Lombard-street, and about there.

1845. *Chairman.*] I may ask you whether the west-end, whether it be St. James's, Belgravia, or Tyburnia, would go not only to the Bank or the City, but whether it would not occasionally require to go to the Surrey side of the river, and require to go to the House of Commons?—Yes.

1846. Looking at those two things, going across the river or to the House of Commons, would not such a line as you propose from Northumberland House be a very great convenience?—In my opinion it is of such importance that we cannot at present form an adequate idea of the value which the approach to the Thames Embankment would be.

1847. It would lead west as well as east?—West and east.

1848. When once they got on to the Embankment?—No doubt.

1849. And across the river, as well as east and west?—Quite so.

1850. I suppose we may assume, looking to the future, that the Embankment will be continued, probably, on the southern side of the river, at some time or other?—I fear not.

1851. Do you not think, looking to future times, that there is any probability of the extension of the Embankment which has been completed as far as St. Thomas's Hospital and Westminster-bridge further east down the river?—There is not the same necessity for it; the necessity in this case was a twofold necessity: first, we wanted a roadway; secondly, we wanted a route for the sewage, and, but for those two things combined, I apprehend we should not have had the Thames Embankment; that is not the case with the southern side; on the southern side you have a roadway all along.

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1852. Mr. *Sclater-Booth.*] In your opinion, although we may look forward by means of the great facilities for communication which are being developed everywhere, to the great thoroughfares of Charing-cross and the Strand, being therefore relieved of traffic to a certain extent, do you still think it would be worth while to spend so large a sum as 200,000 *l.* in constructing this roadway from Charing-cross direct at right angles to the Embankment; and do you think that even with the thoroughfares less crowded than they now are, the public would be willing to go a longer distance by the Embankment than the shorter distance through the Strand, on the one side, and Charing-cross on the other?—The fact is, that we anticipate diminished traffic whenever we open a new route, but no sooner do you open a new route than you find that that new route is equally thronged with the old route, and the traffic on the old route is not abated at all. The population increases at such an enormous rate, and is now reckoned by millions, that all the facilities you can give by way of opening new routes will sure to be crowded.

1853. Mr. *W. H. Smith.*] You are acquainted with all that transpires at the Board of Works with reference to contemplated improvements, I suppose?—Yes.

1854. Are you aware whether it has been proposed to make a road from the Strand by Carter's-lane, I think it is called, to the Embankment. Carter's-lane is opposite Southampton-street and is a lane now abandoned, which I think was used for carting coals?—I know the place you mention, but it would be so exceedingly steep as to make it impossible.

1855. It is not practicable in your judgment to make such a road?—I think not.

1856. I only want to ascertain the fact, in consequence of statements which have been made; you believe it to be impracticable?—I do indeed.

1857. Mr. *Tite.*] Has it ever been before the Board?—I am not sure.

1858. Mr. *W. H. Smith.*] Or before your committee?—No; some approaches were ordered to be sketched out, and it may have been one of the number, but it never was thought of.

1859. But you seriously entertain the question of an approach by Essex-street, and you propose to take down the east side of Essex street. That is your scheme, is it not?—Yes; or you might cut a new route altogether; you might cut out a route beginning at Twining's, and instead of following Essex-street rigidly you might let it go off gradually.

1860. In a slanting direction from Twining's, and terminating at the Embankment; and therefore to the westward of Essex-street?—Yes, and avoiding Gwynne's-building at the bottom.

1861. Mr. *Tite.*] That has been gravely discussed and thought of, and alternative suggestions have been made by yourself and others, I believe?—Yes.

1862. Mr. *W. H. Smith.*] That would not be very costly, would it?—Anything would be costly.

1863. But not very costly?—Not very costly.

1864. Property in Essex-street is not of very great value, is it?—Not of very great value.

1865. And it would have this additional advantage, that it would throw open the Temple to Essex-street, would it not?—Yes.

Mr. James Pennethorne, called in; and Examined.

Mr. *J. Pennethorne.*

1866. *Chairman.*] I suppose, in your official capacity, connected as you have been with the Office of Works and the Commissioner of Woods and Forests, you have considered the question of this roadway, embankment, and approaches?—With reference to the Crown Estate at Whitehall, I submitted plans to Mr. Gore last year for laying out that estate. Those plans were printed by the House of Commons, and since then I have reconsidered the subject, without instructions, but simply to prepare myself upon it, and to show how those plans might be extended, with a view to uniting the improvement of the Crown property with the road in contemplation from Charing-cross to the Embankment.

1867. You say these plans were laid before the House of Commons last year, and printed?—Yes.

1868. In what form did they come before the House of Commons last year?—They were moved for by Mr. Gregory.

1869. Were those plans moved for by Mr. Gregory bearing upon the question of public offices?—Yes.

1870. They are "Parliamentary Paper, 399, 7th July 1868"?—Yes.

1871. You say you laid these plans before Mr. Gore, which were subsequently moved for by Mr. Gregory, and are now Parliamentary documents?—Yes.

1872. You say they dealt with certain portions of Crown lands; what portion of the Crown land did they deal with?—What I should call the "Whitehall Estate"; the whole of the property from the north of the Duke of Buccleugh's to an irregular line rather south of Northumberland House.

1873. In fact, what is white on that line south of the Waterloo and Whitehall railway in the direction of the Duke of Buccleugh's house is the Crown land to which you refer (*pointing on the plan*)?—Exactly, and the green also.

1874. The white is the Crown land?—Yes, the Crown reclaimed land.

1875. Which was given up to the Crown on its reclamation by means of the Thames Embankment?—It was always the Crown's; therefore it was not given up to them, but it remained with them. The bed and foreshore of the river were vested by the Conservancy Act of 1857 in the Conservators of the Thames, except such portions as were situated in front of Crown property, which portions were specially reserved to the Crown. The land coloured white is part of that so reserved.

1876. What was the description of the land before?—It was the bed of the river.

1877. What is commonly called the foreshore?—Yes.

1878. And that on its reclamation became Crown property?—It was always the Crown property, it was not parted with, and was not sold.

1879. Was it for that portion, or rather for the Crown rights along the river on the north side, that 27,000 *l.* had to be paid by the Metropolitan Board of Works?—On the north side of the river

river there were about 26 acres of land reclaimed that were not in front of Crown property; for these 26 acres the Metropolitan Board paid 26,000 *l.* to the Conservators of the Thames, in whom the land was vested.

1880. A thousand pounds an acre?—A thousand pounds an acre, of which money two-thirds went to the conservators of the river, and one-third only to the Crown, pursuant to the Conservancy Act.

1881. Then, for this portion, the Metropolitan Board of Works did not pay anything?—They did not pay anything for the foreshore in front of the Crown property.

1882. But the Crown allowed them to make the Embankment and obtained the ground which was the benefit of the reclamation?—Exactly, and required no money payment for the foreshore that was required for the Embankment and railway.

1883. What should you roughly estimate is the value of that land so reclaimed to the Crown?—I am not prepared to state that exactly. As building land it will become valuable land.

1884. Can you build upon it now yourselves?—Yes.

1885. The Crown may build upon it?—The Crown may build upon it, and not only that, but Parliament have so far contemplated the Crown building upon it, that by the Act of Parliament vaults can be built all the way along under the Embankment road.

1886. You have the power, in addition to this reclaimed land which belongs to the Crown, of utilising the Embankment as vaults in connection with these buildings?—Therefore, when the Whitehall leases fall in, rows of houses may be built there.

1887. That is to say, the Crown will have power to build the houses up to the footway of the Embankment, and under that footway and roadway they may erect cellars in connection with those houses?—So the Act of Parliament says.

1888. Can that be done without interfering with the roadway?—The same as it could be done in every other street in London.

1889. As regards the railway, would not the building of such vaults be prevented by the Metropolitan Railway, which runs under the roadway at that part opposite the Crown property?—No; the railway, except in a very small portion, is under the road, and not under the footway, therefore there is room for the vaults, notwithstanding the railway. In a small portion, it actually passes through part of the reclaimed land belonging to the Crown; but through that small portion a right of way in perpetuity has been sold to the company.

1890. So that you would have room between the white ground occupied by the Crown buildings and the railway for erecting such buildings as might be required in connection with your buildings?—If it should ever come to that; the probability is that it never may, but there is the power existing.

1891. Then the Crown may erect on that ground any buildings that appear desirable?—Any buildings.

1892. The railway opposite the Crown property runs, as you say, almost under the centre of the roadway; at any rate it does not run except in that portion which you have sold to them in perpetuity under Crown land?—Exactly.

1893. Was that line taken by the railway as most convenient to themselves, or did you, or any other person on the part of the Crown, insist upon that line being taken?—We had nothing of any sort or kind to say to the railway; we did not interfere with them.

1894. Did the railway buy that portion of land from you in perpetuity?—It is a very small piece, and they have bought a right of way under the land in perpetuity.

1895. So that if they had gone under your land, instead of that small piece, had it been more convenient to them to do so; if they had gone along the white instead of the yellow, they would have had to buy, not only a small portion, but a very large portion in perpetuity?—They would have had to buy it, but probably we should have objected to it, because it would have been departing from the powers of their Act.

1896. You would have objected to it because, *pro tanto*, it would have diminished the value of your property?—It would have interfered with the laying out of the property.

1897. So that it comes to what I said, that though no positive action was taken on your part to compel them to take their railway under your land, self-interest, which perhaps is the most powerful of all motives, forced them to do so?—The company always proposed for it to go under the roadway.

1898. Did this plan which you have laid before Parliament, which was moved for by Mr. Gregory, propose to deal with this land for public purposes, or was it the laying out of it for private purposes, a continuation, for instance, of the private buildings, such as the Duke of Buccleugh's, or other buildings in Whitehall-gardens?—The plans were made for the purpose of enabling the Treasury to consider whether the ground should be laid out for private purposes for the advantage of the Crown, or whether they would take advantage of it for public purposes, in which case they would have had to purchase it from the Crown.

1899. Then you had alternative plans, one for private buildings and the other for public buildings?—Exactly.

1900. And in your laying out of this ground for public buildings did you propose to place the public buildings on this reclaimed land?—Yes.

1901. Would your plan for public buildings have occupied the whole of that reclaimed land?—I do not think the plans that were printed did, but I am not aware of anything to prevent it.

1902. Did you consider the question of the approaches to the Embankment in that plan?—Yes.

1903. What approach to the Embankment did you propose in the original plan last year?—That was a question left entirely open for the determination of the Treasury, whether or not the road should be made opposite to the Horse Guards; there had been a suggestion to that effect.

1904. That is through Whitehall-yard?—Yes.

1905. Or what?—Or whether it should not; the plans were made that all those questions might be determined.

1906. What public buildings did you propose in that plan to put there?—None in particular, it was simply this: here was the ground; the Government at that time were considering what they should do for public buildings, and the question was asked whether or not the Crown land would be available for that purpose.

1907. I see

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1907. I see a considerable number of buildings have been cleared away from the rear of Whitehall-place, recently?—Yes.

1908. Is that all Crown land?—Yes.

1909. Were those public buildings?—It was Fife House.

1910. What is the extent of ground now available for public buildings, without clearing more than is in process of being cleared?—I should think about seven and a half acres.

1911. Is that without including Whitehall-gardens?—Without including Whitehall-gardens. This little map, if put upon the other plan as a rider, will show you exactly (*handing in a small coloured map*).

1912. Now we have this rider put upon the plan, we find by that there is some little land covered with houses, apparently coloured blue and pink; will you explain to the Committee what the blue and pink mean?—The whole of the ground coloured blue and pink belongs to the Crown; the part coloured pink can at any moment be made available for building purposes, because it is either now vacant, and the leases are out, or it is in the hands of Government, used as offices holding upon short tenancies. One house in the middle is not; that belongs to Lord Gage.

1913. You say that one house of Lord Gage's is not available; what is the length of his lease?—It has about 23 years to run.

1914. I see on this rider, as I may call it, a certain portion marked blue and pink, with no lines upon it; that, I presume, is the reclaimed land to which you have referred?—Exactly.

1915. Between the part that has lines, apparently to denote houses, and the Embankment road?—Yes.

1916. That is delineated white on our large plan behind you, I think?—Yes.

1917. Now I will begin at the west; the portion that is marked blue on the west is apparently occupied by houses?—Yes.

1918. What are those houses?—Whitehall-gardens.

1919. With regard to that part which is blue, on the east, or on the left as I am looking at it, which is marked with the line denoting houses, what is the position of that *qua* the leases of the houses?—They are long leases; those are the houses in Whitehall-gardens.

1920. Which abut on the Duke of Buccleugh's?—Yes.

1921. Those houses are private property at the present moment; that is to say, they are so far private property that they are on long Crown leases?—Yes.

1922. What is the length of those leases?—Fifty years; some more, and some less.

1923. So that it will be 50 years, unless those leases are bought up, before the Crown can get possession of those houses?—Yes.

1924. The portion that is marked blue, without lines, between the lined part and the Embankment, is the reclaimed land?—Yes.

1925. And upon that could you at this moment build?—No; because by the Act of Parliament, the lessees of the houses are at liberty to take that ground, and to annex it as garden-ground to their own.

1926. So that, for all practical purposes, the ground on the estate marked blue, whether it is covered with lines, denoting houses, or whether it is without lines, denoting the reclaimed land, will be unavailable for public purposes for 50 years unless the interest of the persons holding those leases is bought up in the meantime?—Yes.

1927. Now we will proceed to the westward, and we come to the pink part, which is marked all over with lines denoting houses; that portion which is coloured pink, in the rear of the blue portion to which I have just referred, is garden-ground, is it not?—That is Gwydyr House and garden.

1928. Is that available?—That is held upon a lease which will expire in April 1871; there is also a stable belonging to Lady Dover, held till October 1883.

1929. That ground is held by the Government from the Crown for an office, and the lease expires in two years, so it will be then available?—Yes, in two or three years.

1930. Now, will you proceed further eastward?—Then there is the stable which is attached to Dover House, which is let on lease till 1883, the same term as Dover House.

1931. Which also belongs to the Crown?—Yes.

1932. Do you know whether that is held for a long period or not?—I do not remember the term, but it is a long period, I think.

1933. Then what is the next?—Whitehall Chapel.

1934. We will take this line and go gradually along it, then comes the roadway, which is the roadway between the chapel and Lord Carrington's house?—Lord Carrington's house.

1935. That is held now under a lease, is it not?—No; that is in hand; the lease has expired.

1936. Mr. *Tite.*] To whom does Whitehall Chapel, formerly a banquetting house, belong?—It is part of the old palace of Whitehall, and belongs to the Queen.

1937. Could it be pulled down without the Queen's consent?—Certainly not without the Queen's consent.

1938. Then Mr. Gore is not paramount there?—No.

1939. Who repairs it?—It is entirely under the charge of the Office of Works.

1940. Is it not under your charge?—No.

1941. *Chairman.*] Then there is a space with a little square in the centre, that is the yard in the rear of the chapel where the statue is, is it not—Yes.

1942. Then what are these other buildings (*pointing to the map*)?—Then all the buildings between Whitehall Gardens and Lord Gage's are now occupied by the Board of Trade, who have recently gone there, on a temporary holding.

1943. That is at present available for any purpose?—Yes, as soon as they can be moved out.

1944. But they have no tenure?—They have no tenure.

1945. Then comes Lord Gage, who you say has a long lease?—Yes.

1946. What length?—About 23 years.

1947. Then beyond Lord Gage's house, what is there?—Then there is a small house of Mr. Tomline's, the lease of which will expire at Michaelmas 1870. Then there is the Medical Board, which belongs to the Crown; I cannot tell you how that is held exactly, but the War Office are in occupation of it now.

1948. That is available also, is it?—It is always considered so.

1949. Then there is the United Service Institution?—The lease of that has expired, and they hold

hold it by the year, except a portion held at the pleasure of the Sovereign.

1950. That you reckon available, then?—Yes.

1951. What is the next?—The whole of this is Fife House and gardens.

1952. That is all cleared away?—Yes.

1953. In fact, from this part here (*pointing to the plan*) to the east of Lord Gage's to the extreme on the east of the Crown property it is available?—Everything is available.

1954. Now, going again towards Whitehall, I see a large block of buildings there; that is Lord Carrington's house, which is coloured pink, is it not?—Yes; that I have already described.

1955. To the east of Lord Carrington's the land marked blue is all Crown property, is it not?—It is all Crown property.

1956. At present held under long leases?—Yes, for 50 years to come.

1957. And therefore unavailable.—Until that period.

1958. So that the two places are practically in the same position; the part coloured blue to the east, and the part coloured blue to the west, are both held on 50 years' lease, and are only available by purchasing the existing rights?—Yes.

1959. But all the pink is available?—Yes.

1960. Can you state what the whole extent of ground amounts to?—I think the entire is about 13 acres, of which the pink is seven and a half acres.

1961. So that the greater portion is now available?—Yes.

1962. Now the Crown land that is marked blue towards the east extends as far as Cox's?—Yes, nearly; it goes to Craig's-court.

1963. Is Cox's beyond that?—Cox's is, but there is a building belonging to the Crown which fronts Craig's-court.

1964. Is the new National Bank Crown property?—No, it is not.

1965. Then there is a zigzag sort of line which runs down the Embankment in the rear?—Yes.

1966. That zigzag line is in part caused by an angle that runs into it from the direction of Northumberland House, is it not?—Yes.

1967. Is that Northumberland House and gardens?—The Crown and the Northumberland properties touch at that point.

1968. They are conterminous?—Yes.

1969. To the westward the property is the property of the Crown, is it not?—Yes.

1970. How far?—To the Duke of Buccleugh's and Richmond-terrace.

1971. That is also held under long leases?—Yes.

1972. What is the length of the Duke of Buccleugh's lease?—Eighty-five years.

1973. Then there is Richmond-terrace, is that held on short leases?—Richmond-terrace leases will have now 52 years to run.

1974. Then I see, beyond both the Duke of Buccleugh's and Richmond-terrace, there is some property unoccupied partly, and partly occupied by buildings, what is that?—That belongs to the Metropolitan Board of Works.

1975. That is to say, they have purchased it?—Yes.

1976. Then comes another large building?—That is the Board of Control.

1977. Then there is a white block beyond, which brings us down to Westminster-bridge?—That is the Metropolitan District Railway station.

1978. Was that Crown property?—About one-third of it was the Westminster-bridge Commissioners' property.

1979. I think we had it in evidence that there was an arrangement come to between the Metropolitan Railway and the Crown as to the position and the character of the station?—Yes with the Westminster-bridge Commissioners.

1980. Had you anything to do with that?—I do not remember whether I had anything to do with it.

1981. At any rate, the Commissioners seem to have some powers and rights over that portion of the land?—The Westminster-bridge Commissioners, not the Crown, because the Bridge Commissioners sold that land to the Metropolitan Railway Company, and reserved to themselves a power over the elevation of the buildings towards Bridge-street.

1982. Who are the Westminster-bridge Commissioners?—They are now represented by the Office of Works.

1983. So that when the witness who spoke about this railway station used the term "Crown" he ought to have used the term "Office of Works"?—In speaking of that portion, yes.

1984. In speaking of the Metropolitan Station, nearest to Westminster-bridge?—Yes, the Crown have nothing to do with that.

1985. Is the Board of Control Crown property?—That is Crown property.

1986. Is that held under lease or how?—That is now in hand.

1987. That is also available?—Yes.

1988. Do you know the extent of land belonging to the Metropolitan Board there?—I do not.

1989. Do you know for what purpose they acquired that?—I do not think they have yet determined what to do with it; but I cannot tell.

1990. Was it necessary for them to have acquired that before they made their Embankment?—That I cannot tell.

1991. Mr. *Beresford-Hope.*] Is that part cleared open, or is it occupied by any sort of building?—It is cleared now.

1992. *Chairman.*] The portion of land that has been reclaimed opposite the houses of Richmond-terrace and the Duke of Buccleugh's house is not in the same condition as the blue and the pink to which you have already referred; it is opposite the houses and goes with the houses?—Yes.

1993. And is unavailable, and would have to be bought up with the leases of the houses?—Yes.

1994. You say you presented to the Commissioners of Woods for the London district last year two plans which were moved for by Mr. Gregory, and which dealt with the Crown lands in this district?—Yes.

1995. One you said was a plan for dealing with them for the erection of private buildings, and the other for the erection of public buildings, and you have further stated to the Committee to-day that you have modified your views as regards those plans, and have got some other plans which you have prepared, and are ready to submit to the Committee?—Yes.

1996. Will you kindly explain how you propose to deal with this land privately, and with the approaches to the Thames Embankment; by privately, I mean for private buildings?—The plans were shown as available for either one pur-

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pose or the other. The pink upon the plan "A," which was presented to Parliament, and upon the plan I have just been describing to you, will correspond.

1997. This plan did not take the blue?—No, it did not take the blue at all, nor did it interfere with the offices which, at that time, were the temporary Foreign Offices, and now are the offices of the Board of Trade.

1998. That you propose to deal with by letting it out for private purposes?—It will be available for both purposes; this plan was for making a road directly facing the Horse Guards, because such a road had been contemplated by the Board of Works, and it was thought a desirable thing.

1999. In this plan for laying it out for private buildings, or for other purposes, you, I see, contemplated two approaches to the Thames Embankment, one direct from the Horse Guards to the Embankment, the other almost parallel with it, diverging towards the Embankment, towards Whitehall-place?—Through Whitehall-place; the Metropolitan Board were to make a road, according to the Act of Parliament.

2000. And this other you proposed?—It was proposed in the one plan, but not in the other.

2001. You availed yourselves of the ground in possession of the Crown, to lay it out, either for private or for public buildings?—Yes.

2002. In laying it out for private buildings, did you contemplate eventually using all which is on this piece which you have been describing hitherto upon the plan, for public buildings?—No, I confined myself on this plan entirely to the ground that is available for use at the present time.

2003. You did not contemplate any general plan of which this was to form the beginning?—No.

2004. Then this year have you, in reconsidering this plan, laid it out with a view to any more general scheme?—Yes.

2005. This year you contemplate laying out land which is now available with reference to a general scheme, which will ultimately embrace the whole of the Crown property, or, perhaps I should say, the greater portion of it, which you have described to us, and which is coloured blue and pink upon the rider plan, which you have laid before us?—Yes; I have not been instructed to do it by anyone, but knowing that the subject was under contemplation, I have done so.

2006. By "subject under contemplation," do you mean the subject of public buildings or of roadway and approaches to the Embankment?—First of all, the question of having public buildings upon the site is under consideration, and the improvement of the whole locality has been under consideration, and the formation of a road from Charing-cross to the Embankment; taking all these questions together, I thought I could not do wrong in considering the subject, and preparing myself for any questions which might be asked me.

2007. Then this plan you do not bring forward as a plan which has been submitted to any public body, but simply as your own idea, from your own experience in managing this Crown land, as to how this Crown land could be advantageously laid out in the interest of the public?—Exactly; I have not shown this plan either to the Commissioner of Works or to the Commissioner of Woods.

2008. You bring it forward in your private capacity as a Witness before this Committee with reference to the approaches and laying out of the ground?—Yes; but principally with reference to the approach from Charing-cross.

2009. Will you explain this new plan, which you now produce for the first time; we will begin with the roadway. I see that you contemplate by this plan an approach to the Embankment from Charing-cross, and you contemplate, apparently, that that approach should avoid Northumberland House, and should have a curvilinear form?—Yes.

2010. You simply take a small portion of Northumberland House Gardens, leaving the house untouched?—Leaving the house untouched.

2011. The whole of the house you leave untouched?—Yes.

2012. What extent of the garden do you take?—A very small portion of the angle of the corner, furthest away from the house.

2013. This approach that you propose would necessitate the taking of all the houses; apparently by this ground plan all the houses between the corner of Northumberland House, and a considerable distance down Charing-cross, until we come opposite the Admiralty, will have to be taken?—Yes.

2014. What portion of that would be Crown land; I mean the frontage towards Charing-cross?—The boundary of the Crown land is shown by the dotted line which passes very nearly down the centre, for a considerable distance of the curved road.

2015. Then all this to the south of the curved line would be Crown property?—Yes; and all the land to the north belongs to various individuals.

2016. Which land would be acquired?—Yes.

2017. Lord *John Manners.*] Both would have to be acquired, would they not?—Both would have to be acquired to carry out this plan.

2018. *Chairman.*] The portion that is white, belonging to the Crown, that is to the south-west of the dotted line, is held under leases, I think you told us just now, of considerable length?—All the part facing Whitehall is held under long leases; the remainder is held upon only short leases.

2019. Then I see there is a very narrow strip of land that runs to Whitehall-place, which is on the ground now occupied, I suppose, by Mr. Gore's office?—By the Commissioner of Woods office.

2020. You contemplate, I see on this plan, to round off at that part, so that what is now the narrowest part of the approaches would then become the widest?—Yes; looking upon it as an absolute necessity that there should be a road from Charing-cross to the Embankment at this point, there appeared to be only two ways of doing it, the one the straight road that was proposed by the Metropolitan Board, and the other the curvilinear line shown here.

2021. You have assumed, have you not, that it is essential for the communications of this metropolis, that somewhere in the neighbourhood of Northumberland House there should be an access to the Embankment roadway?—Yes, I consider that it is quite essential, and that the greater part of the money that has been used for the formation of the Thames Embankment will be thrown away unless a good approach from Charing-cross is made to it; at present it is without any approach.

2022. Starting

2022. Starting with that, you have laid out what you consider to be the best approach to the roadway, under the circumstances?—Yes.

2023. Will you describe that approach from Charing-cross, if you please?—Then the choice lay between the straight road and the curved road; the objections in my mind to the straight road were, first, that it starts from higher ground, I should say it is about five feet higher than the circular road; it starts also on the steep slope of the hill, and therefore, at the end next Charing-cross, the whole of that is objectionable; next it comes to a very sharp angle under the arch of the Hungerford Railway-bridge, which is also objectionable; thirdly, it would form a bad angle going to the south as well as to the east.

2024. And would remove persons going south further from the roadway?—Further away a great deal; then, naturally, as you are higher at the west end you have a greater descent to go and that inclination becomes steeper than the inclination of this curved road. While the curved road is only nine inches in 100 feet, this would be 13 inches in 100. It would be steeper than the curved road; and being able to enter into the curved road upon a lower level—on almost a dead level—and working round on to the Embankment, instead of going on to it at an angle, were to my mind all reasons for choosing this line. Then there is another very important question as I think, which is, that it widens Charing-cross, and this is a very great reason for adopting it. As we know, in 12 or 18 months from the present time the whole of the north block of Parliament-street will have been pulled down, and then that will have become a wide handsome road.

2025. By the north block you mean between Parliament-street and King-street?—Yes.

2026. When will that be pulled down?—In 12 or 18 months.

2027. Is that purchased?—All the leases are being purchased, and the freeholds are purchased, and probably in a short time the block will be all down. Then, after that is all done, after Whitehall and Parliament-street have been made a fine magnificent street, coming from Trafalgar-square, improved as it will be by the National Gallery, you will have that miserable narrow neck of Charing-cross, therefore it appeared to me absolutely necessary for the improvement of that part of the metropolis that we should make all these improvements work together. Therefore, for the improvement of Whitehall and the formation of the way on to the Embankment, and also for the obtaining of a fine site for public buildings, that line to my mind is the best.

2028. Mr. *Layard.*] You say, "you will have so and so;" who do you mean by "you"?—Whoever forms the road.

2029. Do you mean the Metropolitan Board of Works?—When I said "you," I was addressing myself to the Chairman.

2030. *Chairman.*] You meant the public generally?—That I should think would depend upon the arrangements to be made; it would become a question whether the work should be done by the Metropolitan Board of Works, or whether it should be done by the Government. I know nothing about that: I merely put it forward as a plan, without saying by whom it should be done.

2031. Then you came to the very reasonable conclusion, as many people would suppose, and as I suppose myself, that if Parliament-street is to be widened, as it is to be, that these fine buildings, the India House, and any other public buildings which may be erected in continuation of the India House on one side of it, being erected, it is perfectly impossible that the approach to that part of London should remain as it now is between Cox's and Drummond's, that is to say, a narrow gut of 45 feet for a carriageway?—It is now oftentimes blocked up by the traffic, therefore it must be widened eventually.

2032. And if it is to be done, in your opinion enlarged space should be acquired on the east, and not on the west, that is to say, on the side of Cox's, and not on the side of Drummond's?—Yes; because it works in with the Embankment approach also.

2033. It not only works in with the Embankment approach, but it works in, does it not, better with the line of roadway from Whitehall to the Admiralty?—Much better. The line shown upon this plan is guided by the line of Whitehall Chapel, which, would be the keynote to the whole plan and design of the building.

2034. It would work admirably as a roadway to the Embankment, and would give you facilities while you were on that Embankment towards the City, to the north from Westminster-bridge, and over Westminster-bridge to the south?—Yes; and then there is another reason which is in my mind: I do not know whether I should mention it; but, in the year 1847, the Government came to the determination to erect a new bridge, called the Charing-cross-bridge, exactly at this point, and they went so far that the plans were all prepared, and notices were given, and an arrangement was made for making a handsome bridge there. That would have gone forward, only it was finally determined to rebuild Westminster-bridge instead. This (*handing in a plan*) was the deposited plan at that time, and some day or other that may come to pass.

2035. I see upon the plan, as laid out by you, between your curvilinear roadway and Northumberland House there is a little bit coloured green at the rounded off angle that is now occupied by buildings?—Yes.

2036. According to your plan you propose, apparently, to give Northumberland House a portion of the land in the rear as an equivalent for the part of the garden which you take?—Whether it would be an equivalent or not I do not know, but I think everything should belong to Northumberland House bounded by that road (*pointing on the plan*).

2037. At present the buildings in the rear of Northumberland House are of the meanest possible description?—They are very bad.

2038. So that although Northumberland House has a view of the river, it is the most unsightly of all views, over rubbishing buildings?—Undoubtedly.

2039. If your plan of this roadway which touches Northumberland House were to be executed, Northumberland House at the back would look first on to its garden, then over this roadway, and then on to these public buildings which you propose?—Yes.

2040. That is looking south-east?—Yes.

2041. Now at the bottom of Northumberland House there are some blocks which are tinted pink, three in number?—Yes.

2042. I see they are separated by a street or roadway at the bottom of Northumberland House-gardens, across which you propose to have

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a communication?—Only because it exists at present.

2043. You assume that there will be buildings upon these blocks marked pink?—I should think that there will be; whether there will be upon the piece at the back of Northumberland House will be a question for arrangement.

2044. Mr. *Gregory.*] How large is that piece?—It is a large piece of ground, I daresay large enough for 10 or 12 first-rate houses.

2045. *Chairman.*] Does that at present belong to Northumberland House?—No, I think not, they are lime wharves, and there is a farrier's shop.

2046. That is the building, but to whom does the ground itself belong?—To the Duke of Northumberland.

2047. The *solum* is his?—Yes.

2048. And the pink, is that the Duke of Northumberland's also?—I cannot tell you the exact boundaries upon this plan. I think part of it is the Duke's, and part belongs to the Metropolitan Board.

2049. You anticipate the extension of Craven-street and of Northumberland-street to your approach?—Yes, both those streets, simply for the sake of the communications.

2050. Would that be available for carriages?—Yes.

2051. The gradient will admit of that?—Perfectly; the gradient is much easier for those two streets by this plan; upon the straight plan it would be almost impossible to continue them.

2052. An objection has been taken to the straight roadway to Northumberland House, that it would expose the monstrous erection of the Charing-cross Railway Station; that would be so, would it not?—Yes.

2053. Your curvilinear approach would enable the station to be more easily masked, would it not?—It would bring a large quantity of buildings between the road and the shed or station.

2054. To mask it with buildings for its whole length would be almost impossible, I suppose?—I do not think you could completely mask it.

2055. On the plan of the straight road?—Yes.

2056. But would there be any difficulty in masking it if the curvilinear approach was adopted?—I think buildings erected between Northumberland-street and Craven-street would in a great measure hide it.

2057. Buildings erected on those two south-easternmost blocks marked pink, would in no way affect the view from Northumberland House, whatever height they might be?—No, Northumberland House would look on to the new buildings of Whitehall.

2058. What do you propose with regard to the new buildings; do you propose to concentrate public offices there?—That is going beyond what I think I am at liberty to touch upon.

2059. I mean as a private individual?—I think it would be a very fine thing to have public offices, in that situation; it is available for them, and for this reason also, that every one of the sites next the river on the Embankment I think ought, if possible, to be appropriated to public buildings.

2060. Have you calculated the extent of office accommodation you could get on the land coloured pink there?—No, not altogether; I should be prepared to do so, but you can tell at once that it would be something very large by comparing it with what has been built at the Foreign Office as shewn by the same plan.

2061. Mr. *Layard.*] Has not Mr. Barry prepared a scheme for the erection of public offices on that site?—I have not seen it, and I am not aware of it.

2062. *Chairman.*] You contemplate an entrance, I see, in the centre of Whitehall-yard, directly opposite the Horse Guards?—Yes, but not as a public thoroughfare; it would be a thoroughfare in the same way that people go through the Horse Guards.

2063. You have no plan, I suppose, as regards architectural elevations, or anything of that kind?—No.

2064. And I suppose you probably assume, by what you have done here, a sort of revival of the Inigo Jones' plan, Whitehall Chapel being your keynote?—I think that having that building, we ought to work it in.

2065. And perhaps you think that would be a more appropriate place for working that in, than any other portion of the Embankment?—Yes.

2066. Perhaps you think, that having Whitehall Chapel as the keynote here, it would be a very appropriate position for working out Inigo Jones' idea at this part of the metropolis, rather than on the Embankment, architecturally speaking, is that your opinion?—That would depend entirely upon what you mean, because when you speak of Inigo Jones' design, you mean classical architecture, and there is no reason why classical architecture should not be as available in one part of London as another.

2067. No doubt, but still you have the keynote struck in Whitehall Chapel, which at present is an isolated building?—For these buildings having Whitehall Chapel as the keynote, I think it would be advisable, as far as the plans of the buildings will admit of it, that that should be adopted.

2068. Mr. *Layard.*] I presume you mean the actual plans and elevations of Inigo Jones which are now preserved?—I think you could adopt the architecture, and adopt the proportions; but you could not adopt the building itself.

2069. Lord *John Manners.*] The building was designed for a specific object, namely, a royal palace?—Yes; and all you could do would be to take the details and parts and make use of them.

2070. *Chairman.*] Have you made any calculation as to the probable cost of this roadway?—No; all I can say is this, that when the bridge that I have told you of was contemplated, the cost of the line, at that time, which runs in that direction at the side of Northumberland House, was about 250,000 *l.*, from which there were deductions for ground, which brought it to 200,000 *l.* altogether.

2071. Mr. *Tite.*] You mean to say that was the estimate?—Yes.

2072. *Chairman.*] With reference to that calculation, what was then proposed took, apparently, the buildings not belonging to the Crown, or land not belonging to the Crown, between Northumberland House and the dotted line which does belong to the Crown?—Yes.

2073. And also a portion of the Crown land?—Yes.

2074. The 200,000 *l.* was spread over both?—Yes.

2075. Without deducting the return?—Yes, which would be now a good deal more.

2076. Owing

2076. Owing to the rise in the value of property, or any other circumstance?—First of all, this plan would take more property, because it takes the houses in Charing-cross; it is not so much the rise in the value of property, although that is considerable, as the rise in the mode of making claims, and the way in which they are now enforced. You are obliged to give a great deal more upon compulsion now than you used to do.

2077. You consider the advantages of this plan to be very great over the direct approach?—Yes.

2078. I need not ask you, therefore, if they cost the same money, which you would prefer; of course you would prefer the curvilinear line?—Yes.

2079. Supposing it were shown that the cost of the curvilinear line would exceed the cost of the direct line, should you still consider its advantages such that it would be better to pay more for it?—I think it has so many other advantages that if it cost more it would be still well worth the difference in money, whatever it might be; supposing it were 100,000*l.* more, it would be well worth the money.

2080. And that whether you look to the ornamentation of the metropolis, or the convenience of the roadway with regard to its general access to the Embankment?—Exactly.

2081. Mr. *Layard.*] Can you not give us some idea of the expense; would it amount to a million?—Oh dear no.

2082. Would it amount to 500,000*l.*?—I should think not; but I have made no estimate, therefore what I say ought not to be taken.

2083. *Chairman.*] Could you go into that calculation, and put in a sort of estimate at the next meeting of the Committee?—It is a very difficult thing to give that sort of estimate.

2084. Mr. Alderman *Lawrence.*] I think, in your view, it is merely a question of time; you consider that that widening must be done at some time or other, whether there is a roadway there or not?—Yes.

2085. *Chairman.*] What is that circular mark that you have there meant to represent?—It would be a public monument; whether it would be King Charles or anything else would be another question.

2086. Supposing, as has been stated to this Committee, putting aside the question of the construction of your proposed plan for public buildings, it were to turn out to be the case that the construction of the straight line with its advantages or disadvantages, as the case may be, would cost 200,000*l.*, and that the construction of the curvilinear line would cost 400,000*l.*, which should you say was the most advisable to construct in the interest of the public generally?—First of all, I do not believe there would be anything like that difference between them; and under any circumstances I do not think it is a question of money. The one, to my mind, is so much more advantageous than the other that for those advantages I think it ought to be taken in preference.

2087. Now with reference to the question of cost, you say that you estimated 200,000*l.* as the cost of a bridge across the Thames, somewhere in the direction of Northumberland House, to the south-west of Northumberland House; was that your own estimate?—Every house was valued in detail, the goodwill and expenses; it was an estimate that was made for the Government, and upon which the Government proceeded to go to Parliament, and gave the notices.

2088. And so it was an accurate estimate?—Yes.

2089. How many years ago was that?—It was in the year 1847.

2090. What do you suppose has been the rise in the value of property in London, during the last 20 years?—I should say that the property now would be quite worth one-half more, taking the goodwill of the businesses and everything; to any estimate that was made at that time, I should add 50 per cent.

2091. So that what you think you estimated then accurately at 200,000*l.*, ought to be put down now at 300,000*l.*?—I should make that addition to the estimate of 20 years ago.

2092. Lord *John Manners.*] But your present plan includes a good deal more than was then suggested?—It does.

2093. Mr. Alderman *Lawrence.*] Supposing this road were made according to your plan, the Thames Embankment having already been made and the Crown property being within that circle, do you consider that the value of that is four times as great as it would have been if this road and the Embankment had not been made. Supposing this road to be made, and this Embankment having been made, and that the whole of this is Crown property, I ask whether that additional piece of land you get up to the Embankment is not four times the value which it would have been supposing there had been no roadway and no Embankment, and it had remained in its original state?—I do not think I could say anything of the sort, because there is no reason why a great deal of it would not have increased in value. There is also the part which on the rider to the plan was coloured blue, and which is let out in leases for 50 years, which would not have increased in value to the Crown.

2094. But you will have to get possession of that to make this roadway?—Yes.

2095. I am speaking of this plot of land as it is; and I ask whether you do not consider it four times the value it would have been in its original state?—I think any opinion given on such a point as that would only deceive the Committee.

2096. Then I will put it in this way; it would be of considerably greater value?—The Crown property; that is the ground within these four roads will, of course, be considerably increased in value by the formation of the circular road.

2097. And by the Thames Embankment?—Clearly.

2098. Then I was going to ask if this narrow portion of Charing-cross is widened so as to be of the same width as Whitehall, do you not consider that the whole of the Crown property here will be increased in value by that narrow portion being widened?—The whole of the property will be increased in value, but it is not Crown property.

2099. If this portion of Charing-cross is widened, the whole of the property on the west side of Whitehall from Charing-cross to Charles-street will be increased in value?—Yes.

2100. And the greater portion of that property either belongs to the Government or to the Crown?—Yes.

2101. And a large portion of it is occupied by

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Government public buildings?—A great portion of it.

2102. *Chairman.*] I presume you contemplate some day or other opening up the Mall into Charing-cross; if the Mall was continued to Charing-cross, would that pass through Crown property?—The greater portion of it.

2103. What portion?—As far as Spring-gardens, but the part facing Charing-cross is not Crown property.

2104. But the continuation of the line of the roadway would be north of that part which goes into Spring-gardens, would it not; it would not touch Drummond's?—The continuation of the Mall to Charing-cross could not take place without taking some portion of private property.

2105. Would there be much Crown property taken in that way?—Yes, there would be a great many houses in Spring-gardens.

2106. Are the leases of those houses falling in?—Some of them are.

2107. When would that property be available?—The leases are very uncertain; some are long dates and some are short.

2108. Have any new leases been granted lately?—I think there was one for Sir John Guest's house.

2109. Now, passing from your plan of laying out this block of ground between the Duke of Buccleugh's house and your curvilinear road, as public buildings, would you explain to us, supposing it were not so devoted to public buildings, how you propose to lay it out with reference to private houses; would you still propose the same main line?—That would require a great deal of consideration; I should always propose the same line of road.

2110. Would you propose the same line of road by Northumberland House?—Yes, exactly.

2111. And would you propose the same road between the Duke of Buccleugh's and the other buildings?—No; in fact, I should do nothing more than take one of the plans of last year, either one or the other, and make the road work round into the end of Whitehall-place, leaving Whitehall untouched, and not interfering with any property north of Great Scotland-yard; this plan might remain exactly as it was proposed before, and not interfere with Whitehall-place.

2112. I presume you will lay this plan before the Committee?—Yes.

2113. Is this ground with the curvilinear approach to the Embankment, and the Crown property, laid out with the view of the concentration of public offices on what we may call the Whitehall site?—Yes.

2114. Will you likewise prepare a plan for us laying out this ground as you would think most advisable for private dwellings?—

2115. Lord *John Manners.*] I will ask you one general question; if the line of road shown here is carried into effect, in your opinion, as I conclude, it would be no longer necessary for the Metropolitan Board to make that line coloured red shown on the large map?—Certainly not.

2116. And it would no longer be necessary, or indeed possible for them to open Whitehall-place as a line of communication with the Embankment?—The form of this circular line would not prevent the continuation of Whitehall-place into it.

2117. Therefore the Metropolitan Board would be saved the expense, both of the proposed red line to Wellington-street, and whatever expenditure might be incurred in opening out Whitehall-place?—Yes; both of these might go towards this circular line.

2118. Mr. *Layard.*] Have you taken into consideration the propriety of constructing the proposed road, coloured red on the Embankment, in the abstract, without reference to the line you have just been explaining to the Committee?—Only in a very general way.

2119. From your knowledge of the wants of this part of the metropolis, I mean as regards thoroughfare and traffic, is that road necessary, in your opinion?—I do not think that that is the place for it, nor do I think that at the present moment it is possible to determine exactly where it should be; looking to the plan generally, or rather to the skeleton plan, I think that the communication between the Strand and Fleet-street and the Embankment ought to be somewhere between the east end of St. Clement Danes Church and Temple-bar, that is, opposite to the proposed Courts of Law, if they are built on the Carey-street site.

2120. I presume you mean somewhere about Essex-street?—Not perhaps in the line of Essex-street, but somewhere near that position; but where it should be will depend entirely on what may be done with reference to the Courts of Law.

2121. As regards the partly reclaimed land, over which this proposed road is to be carried, do you think that that might be more advantageously used than being used for a road of that kind?—I think it would be far better that the site should be appropriated to the erection of a public building.

2122. Have you thought of the kind of public building you would put there?—No; but I think to a certain extent you are tied down by the Act of Parliament. The Act of Parliament says distinctly that the ground is to be vested in the Metropolitan Board of Works for the purposes of public recreation or ornamental gardens, either one or the other.

2123. I am presuming now that Parliament can undo what it has done, and that that part of the Act can be repealed?—Well, I think that Parliament has already determined that it must be either a building for the purposes of public recreation or an ornamental garden, whichever the Metropolitan Board consider of most advantage to the public.

2124. You have been present during the sittings of this Committee, and you have heard a suggestion which has been thrown out, that a museum of natural history should be placed upon that site; do you think that that is an appropriate site for such a museum?—I think it is a very proper site, indeed, for it, and that it should be built on high ground, as a high building, because then it would correspond and agree both with Somerset House and with the railway shed; I think the wings ought to be brought forward as nearly as possible to the front of those buildings, but that the centre part must of necessity be set back, because a large part of the ground is now occupied by the railway, and you cannot, with advantage, build over the railway, therefore the greater part of that ground must be kept as garden on account of the railway being there.

2125. Then you are decidedly of opinion, that if Parliament is willing to do so, it would be advisable to stop the making of that road, and to appropriate that site to a public building?—I am quite of that opinion.

2126. Mr.

2126. Mr. *Tite.*] I think the report which has been produced through a Return moved for by Mr. Gregory exactly 12 months ago, on the 24th of April 1868, was made by the order of Mr. Gore?—Yes.

2127. Now I perceive that in both these places, A and B, you do not interfere with the land between the Embankment and the plots coloured red on both plans; in the one case you show an ornamental garden, and the rest you have coloured green, what does that mean?—An ornamental garden.

2128. And the rest?—This land coloured green is appropriated to the houses.

2129. Not the whole of it?—Yes; that is Lord Gage's house, as far as that line (*pointing to the plan*).

2130. The whole of it in width?—The whole of it in width is appropriated as garden ground to the houses in Whitehall-gardens.

2131. However, be that as it may, your altered plan which you have now produced, and which you say is without authority, but which is your own suggestion, in order to meet the possible requirements of this Committee, would cover the whole of that land with buildings?—Yes.

2132. That is on the assumption that the Crown have a right to cover that land, as against the determination of the Metropolitan Board of Works?—Quite so. I never heard that there was any doubt upon the subject, that the Crown had the full right to build upon that ground up to the line of the road.

2133. In the first instance, the Metropolitan Board of Works had to buy it, and there was an easement over it?—It has never been bought by the Metropolitan Board.

2134. Then what has been bought?—The foreshore that was not in front of Crown property.

2135. But as you come up to Westminster-bridge, that is in front of the Crown property?—The Metropolitan Board of Works did not buy that. They had a right granted to them by the Crown to make their roadway over the foreshore, and part of the ground not required for the roadway was left; where the foreshore was not in front of the Crown property, it was sold to the Metropolitan Board.

2136. What was sold?—The rights of the Crown, and of the Conservators of the river in the foreshore.

2137. What was claimed for that?—I do not remember that there was any actual claim; but there was a negociation; I thought it was worth more, but the sum finally agreed upon was 1,000*l.* an acre.

2138. In what way was that agreed upon. Was it referred to arbitration or was it settled by a jury, or how?—I think in a great measure the evidence of Mr. John Clutton and Mr. Hunt settled it.

2139. Were they arbitrators or what?—No, it was settled by Mr. Oakley and myself as arbitrators.

2140. However, you are not very well able to explain what it was you had to sell, nor what you did sell?—We had to sell the rights of the Conservators and the Crown in so much of the foreshore as was not situated in front of Crown property; the foreshore was considered valuable, because there was always power to embank it, and every year certain portions were embanked, and profits were derived from it.

2141. Nothing of any consequence?—I think very often it was 100*l.* a year; what they sold or licensed each year, one year with another, brought in something like 100*l.* a year.

2142. However, you decidedly prefer, with reference to the road, the curved line to the straight one?—Decidedly.

2143. Lord *Sandon.*] Your plan of the curved road would not be interfered with by pushing your buildings further forward or back on the plan, so that you put that aside?—Entirely.

2144. Of course by your plan you sweep away very important frontages, which increase the expense of your plan very much; have you ever thought of the expediency of making the ground floor of great Government buildings into shops, so as to decrease the expense?—I do not think it would be feasible.

2145. You are aware, I daresay, that in many continental cities that is done?—In a general way we look upon the ground floor as most valuable for offices.

2146. But when you are embarking in such very expensive proceedings, should you not say that that is a proposition worth entertaining?—Yes, but I doubt whether it would be found to answer.

2147. Mr. Alderman *Lawrence.*] I think I understood you to say that you thought the roadway which has been sanctioned by Act of Parliament at present unnecessary; I mean the roadway coming out at Wellington-street?—Yes.

2148. You have also been asked whether, if a public building, such as a building for the accommodation of the Natural History Museum, were placed adjacent to that roadway, that building should not be placed upon the low level of the Embankment, but should be placed on the high ground?—I think it should be both; I think the wings in all probability should come forward on the east side to accord with Somerset House, and on the west side to shut out the railway station, and that then the approach being on the high ground, the building would be on the high ground, but that there would be also, in all probability, a lower storey, overlooking the river, which would have the gardens in front of it, and would look from the Embankment as on the low ground; therefore it would be, as I began by saying, both on high ground and on low ground. I have only given you crude ideas, but if Mr. Waterhouse is examined before you, he, no doubt, will explain far better than I can his views with reference to that building.

2149. Then I take it that some portion of the land already covered with buildings, such as Adelphi-terrace, would require to be taken, so as to place the building on the high ground?—I think it is very likely that portions of the existing buildings would require to be purchased.

2150. I believe you are the surveyor, both to the Woods and Forests, and also to the Office of Works?—Yes.

2151. With respect to the Embankment of the River Thames in front of the Crown property, the foreshore was the property of the Crown, and the Conservators of the River Thames?—Yes; part was the property of the Crown, and part was the property of the Conservators, subject to their paying to the Crown one-third of the profits arising from it.

2152. When you speak of the foreshore, do you mean the whole of the land between high and low watermark?—Yes.

2153. Is any portion of that land between high

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high and lower watermark reclaimed within the Thames Embankment Act?—Yes.

2154. What were the proportions of the ownership of that land before it was reclaimed?—The foreshore in front of Crown property belonged absolutely to the Crown: the other foreshore belonged to the Conservators, subject to the payment by them of one-third of the proceeds to the Crown.

2155. When it was valued for the Metropolitan Board of Works to pay the price of the foreshore, how was the sum that was paid apportioned?—Two-thirds was paid to the Conservators and one-third to the Crown.

2156. With reference to the land that was reclaimed which belonged in the proportions you have stated, before it was reclaimed, and when the money which was paid for this land was apportioned in the way you have described, two-thirds to the Conservators and one-third to the Crown, what became of the land that was reclaimed?—A great portion of it is the very land upon which that red road now passes.

2157. I am talking of the portion of land in front of the Crown property?—The land in front of the Crown property was never sold, but was retained by the Crown.

2158. Did not the foreshore in front of the Crown property stand in the same position, relatively to the public, as the foreshore in front of other property does?—It belonged to the Crown absolutely; the Conservators had no interest in it.

2159. Were not the Conservators entitled to two-thirds of the value of the foreshore in front of the Crown land?—I think not; they were only entitled to the proportion in front of other property.

2160. Do you consider that when the arrangement was made for establishing the Conservancy Board, by which two-thirds of the rights of the Crown with respect to the foreshore were ceded to the Conservancy Board, any limitation was made in respect of that two-thirds with reference to any position of the Crown property which had frontage on the river?—That is going into a question with which I am not acquainted.

2161. Then if there were no such question the Conservators would have the same right to the two-thirds of the foreshore in front of the Crown property as they had in front of any other property, if it were not reserved?—I am not aware of the reservation; in fact I know nothing upon that subject further than that the Crown was absolutely entitled, under the Conservancy Act, to the foreshore in front of its own property.

2162. But supposing they were entitled to two-thirds of the foreshore, is there any reason why they are not entitled to two-thirds of the land that was reclaimed?—I do not think they were entitled to it, but that is a question which the solicitor to the Commissioner of Woods could answer better that I can.

2163. At any rate, the result of the arrangement has been that for the whole of the foreshore in front of property not belonging to the Crown, the Crown has received one-third of the value of that portion of the foreshore?—Yes; the Crown was entitled to it, under the Conservancy Act.

2164. And one-third also of the value of the foreshore in front of the Crown property, and also the whole of the land that was reclaimed of the foreshore in front of the Crown property?—The land in front of the Crown property has remained to them. The land in front of other properties was sold by the Conservators, who retained two-thirds of the proceeds, and paid the other one-third to the Crown.

2165. Then has the Crown received no compensation whatever for the Embankment being made in front of the Crown property where they have the land?—No, the Metropolitan Board of Works were allowed to carry the roadway over the foreshore to the width of 100 feet, or whatever it is, and whatever land was left the Crown takes, if it is in front of its own property.

2166. The Crown has received no compensation for the foreshore in front of their land, or for water rights, or in any shape or form; it has received no compensation whatever for the Embankment having been made in front of the Crown property?—None that I am aware of; I should like to have made myself acquainted with these subjects, and if I had known I was going to be examined upon them, I would have done so, because I am now speaking from memory upon points with which I was never well acquainted.

2167. *Chairman.*] Who are the Conservators of the River Thames?—They are a Board of which the Lord Mayor is Chairman.

2168. Are they elected by the ratepayers?—Oh, no.

2169. They do not in any way represent the ratepayers, or the interest of the ratepayers?—No.

2170. So that whether it was a question as regards these water rights and foreshores of the division between the Crown and the Conservators or not, it was a question which only affected the ratepayers, inasmuch as they had to pay the money?—They had to pay the money, and they got the land for it.

2171. Excuse me, you say the ratepayers paid the money and got the land; how did they get the land? I thought they were debarred from the use of the land?—No, the land is to be used for ornamental gardens or for the purposes of recreation.

2172. Mr. *Tite.*] But you say you can build over it?—No, that is the Crown.

2173. *Chairman.*] The ratepayers had to pay the Crown and the Conservators, and they were barred in the use of what they paid for, that is to say, they could only apply the land to certain purposes?—Yes.

2174. And those not the most remunerative purposes?—No.

2175. Therefore, so far, they could not recoup themselves by any use to which they could apply that land?—No.

2176. On the other hand the Crown obtained money from the sale of those rights, allowing the ratepayers to make this Embankment, but retaining all its own powers of building or doing what it chose with the land which came to it by this arrangement?—Yes.

2177. Therefore, the Crown, *qua* the Thames Embankment, and the water rights, stood in a very much more favourable position than the ratepayers?—The Crown retained its own land with power to build upon it, because it had the power before of using the land, and no change whatever was made with reference to the land belonging to the Crown; in other parts the land was bought by the ratepayers at a certain price, and it was determined by Parliament that it should be used for the purposes of recreation and not for the purposes of building.

2178. It

2178. It does not matter by whom it was done, or how it was brought about, whether by Parliament, by the Crown, by the Conservators, or by arrangement amongst them altogether. The facts are as I stated, that the Crown acquired land which is extremely valuable, with power to do what it chose with the land, and the ratepayers acquired land at very great expenditure, in the use of which they are barred?—That is not exactly correct, because the Crown, after giving up to the ratepayers so much of the shore as they required for the roadway, was compelled by the Embankment Act to annex much of the residue at a fair and reasonable rent as garden ground, to the houses in Whitehall-gardens.

2179. They were compelled to annex certain portions of this land which did not exist before, because it was worthless mud, as ornamental ground to their houses?—Yes.

2180. If they had not done that, and if they had had the power of building over this land, they would have had to pay to their own lessees compensation, like any other proprietor would have done?—They would have had to pay compensation.

2181. And they would *pro tanto* have injured the value of their property during the currency of the lease; and at the end of the 50 years' lease, the Crown will have the full advantage of the reclaimed land, of the gardens that existed beforehand, and of the houses, to do what it likes with for its own advantage?—Yes; 50 years hence.

2182. Mr. Alderman *Lawrence.*] Do I understand you to say, that the Crown had the control over this foreshore in front of its own property, and that it could have built upon that foreshore at any time, if it had been so disposed?—Wherever there were not houses existing, as there are in Whitehall Gardens; all those houses they had let with a right of frontage to the river, therefore they could do nothing with that land.

2183. *Chairman.*] Not during the currency of these leases?—Yes.

2184. Mr. Alderman *Lawrence.*] But my question is, supposing any of those houses happened to fall in hand to the Woods and Forests, do you consider they had the power to build upon the foreshore of the river at any time when they thought proper?—Always; provided, they did not injure their own lessees; they have done so in several cases. At the Duke of Buccleugh's there were two distinct Embankments made (I am now speaking of 30 years ago), and at Fife House there were large embankments also made.

2185. But after the Conservancy Board was appointed, after the long law suit that had gone on for some 20 or 30 years between the City and the Crown with reference to the soil and right to the bed of the river, when the arrangement was made as to the formation of the Board of Conservancy, two-thirds of the foreshore being allotted to the Conservancy Board and one-third remaining with the Woods and Forests, do you consider that after that time the Crown had a right to bring forward any building in front of the Crown property as far into the river as it chose, without the consent of the Conservators, or without paying any amount to them for it?—The foreshore in front of Crown property was reserved to the Crown under the arrangement in question, and I always understood that the Crown had a right to embank, and had a right to go into the river; whether or not the Conservators had control over the extent to which they were to go is another question.

2186. *Chairman.*] There is one other point with reference to this: the ratepayers, as represented by the Metropolitan Board who reclaimed this land, were, as you have said, debarred by Act of Parliament from applying it to the most beneficial uses; that is to say, *qua* the reduction of rates. *Plus* that, is it not the case that the maintenance of that land, as regards ground for ornamental purposes, whether those ornamental purposes take the form of terraces, gardens, or tumbling greens, is thrown upon the rates also?—Yes.

2187. So that not only were they debarred from the beneficial use of this land, but it was practically and permanently charged with considerable expenditure from the rates for its maintenance?—Yes.

2188. Mr. *W. H. Smith.*] When you speak of the Crown you speak of the Treasury, do you not?—The Crown property is under the Commissioner of Woods, subject to the control of the Treasury.

2189. The surplus funds go into the Treasury, do they not?—Yes.

2190. So that the increased value of the Crown Estate is an increased value given to it by the ratepayers of the metropolis, and at their expense?—Well, it is one of those contingent advantages that come to many other proprietors in London; the same that has happened to the Duke of Bedford and to a great many other gentlemen who have had their properties improved.

2191. But the cost has been very considerable upon the ratepayers, and the gain is entirely to the Crown?—I do not see that; the inhabitants of London gain a public highway on and over the Crown property, and the Embankment has not increased the value of the Crown property.

2192. Mr. *Tite.*] It is the practice of the Crown never to sell any land, excepting land which is wanted for public improvements, is it not? They retain all the rest themselves?—Yes.

2193. And therefore they retain such advantages as belong to it, in themselves, and not in those who purchase land for public improvements?—Well, I do not think they carry that system any further than any other large landed proprietor would do.

2194. They do, for this reason: a private person may propose a clause in an Act of Parliament that that should be so; the Corporation of London may propose that that should be so. I know in my experience they have been distinctly refused, and the Drapers' Company have been refused, the Crown having the power to veto a Bill, unless those clauses are introduced, after it has passed the Committee?—Of course in the Crown there is always a power of veto, but I think it is very seldom used; I do not know a case in which it has been used.

2195. Mr. Alderman *Lawrence.*] I may take it that the Woods and Forests in any bill for public improvements which affect their property always insist upon special clauses being put into that Bill, beyond the clauses which are put in for any private holder of property in which the improvements are made?—I think generally they do.

REFORM CLUB PALL MALL

Monday, 3rd May 1869.

MEMBERS PRESENT:

Mr. Buxton.	Lord John Manners.
Mr. Cowper.	Mr. Alderman Lawrence.
Mr. Dilke.	Mr. Layard.
Lord Elcho.	Mr. William Henry Smith.
Mr. Gregory.	Mr. Tite.
Mr. Beresford Hope.	

LORD ELCHO, IN THE CHAIR.

Mr. HENRY COLE, C.B., called in; and Examined.

Mr. *H. Cole*, C.B. 3 May 1869.

2196. *Chairman.*] I NEED not ask you whether you know, or have had to do with the question of erecting a museum of natural history on the ground at South Kensington, which was occupied by the Exhibition Building of 1862? — I am acquainted with that proposal.

2197. Plans have been drawn out for that, have they not?—There have been several competing plans brought before a committee, of which your Lordship was chairman.

2198. Captain Fowke's plan has been adopted, I believe?—Yes; I have a very small plan here, just showing the places where it was intended to put the building for the natural history museum, according to the plans which Mr. Cowper, then First Commissioner of Works, proposed (*plan handed in*).

2199. This is the plan which has been drawn out for the transfer of the whole natural history collection from the British Museum?—That plan shows in block the site proposed for the natural history museum, and also the uses of the ground at the present time.

2200. Have you considered the possibility and the advantages, or disadvantages, that will attend the transfer of the natural history collection to a site on the Embankment in lieu of its transfer to Kensington; I mean the site between Charing-cross-bridge and Waterloo-bridge?— Assuming that the space on the Embankment is sufficient, which I do, then I think the public advantages are much in favour of the natural history collection of the British Museum being located there rather than at Kensington.

2201. What are those advantages, in your opinion?—In the first place, it gives another museum in another part of London, as I venture to hold the opinion that over-concentration is very inexpedient.

2202. That is the evil from which the British Museum has suffered for a long time, and which has now come to such a crisis that it is necessary to break it up?—I think the only salvation for the British Museum, as regards its collections, is to disperse them reasonably; another advantage of putting the building on the Embankment, in my mind, is that it would give to the inhabitants of the South of London a museum which they could easily approach. Without entering into the question of suburban museums at all, a national museum on the Embankment would be virtually a good local museum for the South of London. Another reason is, I think, that it gives an opportunity for putting a fine building in a fine situation; and I think it is much more logical, in the way of arrangement, that the Natural History Museum should be on the Embankment than that it should be mixed up with industrial sciences and arts at Kensington. Those appear sufficient reasons to guide me to a conclusion in preferring the Embankment.

2203. It would be, to a great extent, more accessible in the position in which it now is with regard to the population than it would be at Kensington. I do not mean by that that the population would not find its way to Kensington, but practically, as regards the centre of civilisation, it would be more central on the Embankment than it would be at Kensington?—With your Lordship's leave, I object altogether to the word "central"; I do not know what is the centre of a district of 30 or 40 miles round, which would be equally convenient to all; but I do not hesitate to say that the Embankment has superlative advantages of land and water communication, and in that respect is better than Kensington.

2204. I do not say whether the objections which have been raised to the transfer of the museum to Kensington are right or wrong, but it is the case, is it not, that objections have been raised to that transfer on the ground that it is taking away this museum from the centre of population to a comparatively suburban district, that is the argument which has been used?—That is the argument, but it is full of fallacies.

2205. The fallacious persons who use this fallacious argument, if the museum is transferred from its present site to the Embankment, ought to be satisfied, ought they not?—You would gratify their prejudices.

2206. Of course you naturally have studied the plans which were designed by Captain Fowke, and which were exhibited before the Commission, to which you have already referred?—I have.

2207. Do you think that those plans, as they now stand, would be available, and would be suitable to the Embankment, or that they might be very easily adapted to this change of site?—Captain Fowke, when he made his plans, showed, I think,

I think, 10 modifications of them; it will be important for the Committee to have before them the printed paper which Captain Fowke submitted to the Commission.

2208. Has that paper been laid before Parliament?—I think it has never been laid before Parliament.

2209. Is it accompanied by plans?—The plans, I suspect, must be in the Office of Works; Captain Fowke showed how you might do little or much, just according to your funds, without great damage to the plan itself. I am of opinion that you are not likely to get a better plan than Captain Fowke's for the Embankment; and with all submission to the architectural profession, I think it is open to doubt if you will get as good a one. It is made, and you can fully judge of it. It can be modelled, I believe, and it fulfils, or very nearly so, all the requirements of the men of science; if not, it can easily be made to do so; and, on the whole, I think it would be a very fine building on the Embankment. I should like to put in a paper that Captain Fowke printed on the subject of this plan (*handing a paper to the Committee*).

2210. I see this paper is what was sent in evidently, with the plan to the Commission?—Exactly.

2211. You wish this put in the Appendix?—If you please.

2212. You have talked about a model; I suppose at Kensington you have great facilities for the construction of models?—Yes; we never do anything without three or four models.

2213. Acting upon that excellent principle, which I wish was more general, would you have any difficulty in laying before this Committee at some subsequent date, a model of Captain Fowke's plan, adapted to this new ground?—I should have the greatest difficulty in doing so, unless the Committee will find the funds, because we are in a state of destitution; we should have no difficulty, if the Committee would arrange with the Treasury, and it were desired, in making a model of Captain Fowke's plan.

2214. What do you suppose would be the cost of it?—I think a mere rough block model, making use of the reduced drawings, might perhaps be made for 15 *l.* or 20 *l.* A detailed model would cost much more.

2215. Do you think there would be any difficulty in framing by it correct estimates as to what the cost of the building would be?—Not the slightest.

2216. You state that, I suppose, in consequence of having already gone into the question of estimates with reference to this building, or a similar building, so that you have the data whereon to form an estimate?—I believe it is perfectly possible to make an estimate for that, or for any other building, and to tie up the contracts with such restrictions that the estimates cannot be exceeded without the consent of the paymaster.

2217. That is as regards the construction of the building itself?—Yes.

2218. Have you found in the building which you have constructed at Kensington, that you have been able, as you say, so to tie up the contracts that the estimates have not been exceeded?—Certainly.

2219. And they have been erected within the sum which you expected?—Always, so far as I know; I can give the Committee a very remarkable illustration of the value of models, and of taking great pains before you begin a building: that is with regard to the arcades of the Horticultural Gardens: there the arcades were more or less the repetitions of certain quantities. First, the usual plans were made; next, the drawings were enlarged to the full size; thirdly, a model was made; then, finally, a block was made the full size; and that which cost, perhaps, at the beginning, 400 *l.* or 500 *l.*, in the result had the effect of preventing the slightest change whatever, after the thing had been settled. The same is now being done with regard to the large hall which is being built there: just in the same way a series of models is being made; you know exactly what you are going to do, you know exactly the cost of your decorations, you make contracts with the different people; and the result is, that in that case the expenditure of 200,000 *l.* will probably be a small per-centage below the estimates.

2220. Then your experience in the system of models, as opposed to the system of drawings and plans, is that a very great eventual saving in the expenditure of public money is effected by the use of models?—A very great and effectual saving, added to which the paymasters are really able to understand what is going to be done.

2221. Besides the saving in money, there is much less probability, is there not, of a mistake being made in the building itself?—Very much less probability, indeed; it is your own fault if you have a mistake.

2222. That is the result of your own experience, and you are naturally conversant with these matters. Do you believe that the experience of other countries, in the matter of models, will bear out what you have just stated; take, for instance, France?—In the case of France, some three or four years ago, I saw a model 120 feet high, for a new arch of triumph near the Bastille; the whole thing was so completely worked out by means of plaster, paint, and wood, that you could take a photograph of it, and you would not know whether it was the original or not. You could judge of the size of all the parts and all their relative proportions, one to the other; I quote that as a very notable instance. Another one, which you may see at the present time, is the model for the new Opera House, in Paris. A model is made of the whole thing on a comparatively small scale, although it is a very large model; and very large models are also made of the different parts. Besides that, I think I may say that it was the practice of Sir Charles Barry to do as much as he possibly could by having full-sized models before he came to a decision. Then, you know, we are fortified by all the precedents of antiquity. We have the Cathedral by Wren, and we have models upon models of churches built in Queen Anne's time; therefore it seems to me a very mistaken way of going on to judge by mere abstract lines on paper, when you can have proper models.

2223. The experience of this country in bygone times shows that models were resorted to, and beneficially resorted to, judging from the result of the buildings you have just referred to as having been made on a model scale. Your own experience of this country likewise leads you to the same conclusion; and also you have come to the same conclusion with reference to structures in other countries. With reference to the other public buildings, take for instance the

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Foreign Office, do you know whether any model of that was made?—I have no knowledge upon the subject, but I do not believe there was one.

2224. But you would strongly advise that whoever has the charge of the erection of public buildings in this country should spend money liberally in models with a view to building it?—I should so strongly advise it that I would make it law by Act of Parliament.

2225. You have said that you kept these contracts down by certain stringent rules. Is there anything with reference to that, with a view to economy in these matters, that you would wish to bring before the Committee?—It rather depends on the Committee; I have my own views on the subject, and if they are worth having I will put them in.

2226. Will you kindly state them, because I think this is an important point?—I should like to put in a paper which I drew up some months ago upon the measures to be adopted for preventing excess over the original estimates of the cost of public buildings. If the Committee will allow me I will hand in this paper (*handing in a paper*).

2227. You put in this, and it is upon these conditions, as laid down and signed H. C., 27th of January 1869, that you have proceeded, and I may say proceeded so satisfactorily, that in no case in any building at Kensington has the estimate been exceeded?—The principles that we have proceeded on at Kensington are stated with reference to Kensington; in this paper of December, 1867, I go a little further into the subject. This refers to public buildings not at Kensington, with which I have nothing to do (*handing in another paper*).

2228. What is the position of the land that was intended, and that is as yet intended, to be the site of the Natural History Museum at Kensington?—Physically it is a wilderness, legally it is in the possession of the nation, subject to the condition of erecting buildings for the purposes of science and art upon it.

2229. When you say it belongs to the nation, it could only be disposed of then by the nation, for the purposes of science and art?—The legal position is a curious one. The nation is now the proprietor of that land, with the condition that it is only to be used for the purposes of science and art. What else can be done with it is a matter for the Government and for the Commissioners of the Exhibition of 1851 to determine.

2230. That is a legal engagement entered into by the nation when it bought that land, but with whom did it enter into the engagement that the land so purchased was only to be used for the purposes of science and art?—The Commissioners of the Exhibition of 1851 and the Commissioners of Public Works entered into that engagement on the 14th September, 1864; it is printed as Appendix D to the Fifth Report of the Commissioners of the Exhibition of 1851, and you will find the whole of the conditions laid down in that paper.

2231. Then the owners of that land, previous to its sale to the nation, were the Commissioners of the Exhibition of 1851?—Yes.

2232. That land was purchased with the surplus funds of that Exhibition?—Yes.

2233. And the Commissioners sold it to the nation on those conditions to which you have just referred?—Yes.

2234. The nation therefore could only apply it to the purposes of science and art. For any other building purposes it is unavailable?—It is unavailable if this indenture is to be kept to.

2235. Supposing the nation wished to apply it to other purposes, they must obtain the assent of the Commissioners of the Exhibition of 1851?—Yes.

2236. They could step in and stop all proceedings, and in that case, I suppose, the land would revert to the Commission, the Commissioners repaying the money which had been paid for it?—I presume so.

2237. Do you think that land has increased or diminished in value?—I think since it has been originally purchased the value has increased fourfold. The average value of an acre when the purchases were originally made, was about 5,000 *l.*, and the very lowest price that the land has been sold for at the present time has been 24,000 *l.* or 25,000 *l.* an acre. Since 1864, I do not think much change has taken place in the value.

2238. How many acres are there?—Sixteen.

2239. And what was given for them?—I think 120,000 *l.*

2240. For the 16 acres?—Yes.

2241–2. Have you at all considered what should be done, or what could well be done, under the restrictions which are imposed upon the possession of the land with reference to the purposes of science and art, in the event of its not being used for the purposes of the Natural History Museum?—I think that the Government should at least reserve a considerable portion of it for the purposes of collections connected with industry. We have at the present time in the buildings which were used for refreshment in the last Exhibition of 1862 models of the Admiralty, and of private shipbuilders' yards. We have also an exhibition of war material from the War Office. We have also machinery given and lent to the museum, and also a complete collection of matters relating to the construction of objects, models of buildings, and so on. We are squeezed for room to accommodate them. They could be very much extended and the collections completed if more space were provided. My own impression is that it would be wise to build on the south side at the back of this building sufficient public buildings of a decent character which would make in point of fact a Conservatoire des Arts et Métiers.

2243. You mean at the entrance opposite Cromwell-road?—Yes; not, of course coming up to the ground in the front, the way the old Exhibition did, but immediately at the back of the refreshment rooms.

2244. Am I to understand that for purposes immediately connected with your museum, you are at present restricted as to space?—Very much so; we are smothered.

2245. That is to say, when you have completed your building with objects which are cognate with your museum and collections which ought to be there, if possible, for which there would be no room; is that so?—Certainly the building contemplated on the block of buildings forming the South Kensington Museum proper would be wholly inadequate for providing for the collections which are now temporarily deposited in the refreshment rooms overlooking the Horticultural Gardens.

2246. Then you would recommend that a portion

portion of this land should be reserved for those purposes?—Certainly.

2247. What portion of the 16 acres?—I should say about six acres.

2248. Lord *John Manners.*] Will you point out on the little map which portion you wish reserved?—The green portion.

2249. *Chairman.*] Not the part next Cromwell-road, but the part at the back, by the Horticultural Society's Gardens?—Yes.

2250. What would you propose to do with the remainder?—If I were quite free I should sell it back to the Commissioners of 1851, for them to dispose of it as best they thought fit, for the purposes of science and art.

2251. Mr. *Gregory.*] How much would that leave?—About 10 acres.

2252. *Chairman.*] Those 10 acres would not be all available, because at the back of the Horticultural Society's Gardens there must be an approach?—Certainly; and they would have to be laid out in a handsome way.

2253. Mr. *Gregory.*] How much space did the last Exhibition building occupy?—Sixteen acres, *plus* the space at the sides which went by the name of the two annexes. I should think altogether it would be about 22 acres.

2254. *Chairman.*] Would you point out what you mean upon Captain Fowke's plan?—With reference to what I said before, this set of plans shows the various modes by which the buildings could be economised (*producing several plans*); for instance, that (*pointing to a plan*) forms the whole plan, and Captain Fowke proposed that only that pink piece should be done. If these plans be at all contemplated for the Embankment, I would venture to recommend that they be lithographed and put into the Appendix, because that would give the views of Captain Fowke as to what modifications it was possible to make upon his plan; I do not see down here the elevations, but perhaps you will not object to refresh your memory with these plans. I do not put them in as plans, in my opinion, quite suitable for the Thames Embankment, but as furnishing the basis of a very fine building, which might be modified according to the necessities of the case.

2255. You put these plans in?—Yes, I think these ground plans are very desirable to be put in. I have one or two points further to mention with reference to the plans. I think that one advantage of this plan, which of course might belong to another, is that it could be erected in materials which, more than any other materials, defy the persecutions of the London climate. Captain Fowke contemplated that it should be executed in red brick and terra-cotta. Both those materials, I think, speak for themselves as the best building materials for London. If the experience of 4,000 years is of any value in this age of doubt, you can bring evidence that under every condition of climate the most durable thing that we know is a brick. I believe the Roman and the Egyptian bricks are two of the most durable pieces of human manufacture. Our experience shows us that brick lasts very long. With respect to terra-cotta, if the terra-cotta be well made it is a great deal more durable than granite. I affirm, as a scientific proposition capable of demonstration, that it is a great deal more durable than granite; and as to Portland stone, that goes to limbo in a great deal less time than terra-cotta. The disadvantage of terra-cotta is that unless it is well made it is apt to go like stone, and therefore it requires great care on the part of the architect, to see that it is well made; another advantage of terra-cotta is that you can have the exact work of the artist upon it. I say that any such art as may happen to be on the building at Kensington could not have been executed by the hand-power of this country unless it had been made in terra-cotta. We went through the experience of seeing what the very best mason and stonecutter that we could find in London would do with one of these models; in the first place he charged four times as much, and in the next time he emasculated and utterly destroyed the thing, when he did it. I think therefore that if you wish to have the best art work that England can produce, terra-cotta is a material that affords you the opportunity.

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2256. With reference to terra-cotta and stone, you have had now some experience in Kensington with regard to their relative durability, that is to say, you have had terra-cotta exposed to the atmosphere for several years?—Yes; eight or nine years.

2257. And in the same building where you have had terra-cotta, you have likewise string courses of stone?—Yes.

2258. Can you speak as to the appearance relatively presented by the string courses of stone and the string courses of terra-cotta?—Terra-cotta keeps its colour; and we find that it is easily washed, while the Portland stone is altogether begrimed and very difficult to wash. If the Committee think it worth while to come and see with their eyes the difference between the durability of the one and of the other, there are the examples at Kensington.

2259. Mr. *Layard.*] When you produce those plans of Captain Fowke, I presume you do not suggest that these very plans and blocks of buildings should be adopted for the Embankment site; you merely mean that the style of architecture and the general arrangements of the buildings should be adopted?—I go further than that, and I should say that the main elements of his plan should be adopted.

2260. What do you mean by the "main elements"?—I should say the long line of building with or without the centre adapted to it, according to the new conditions or otherwise; I do not think there is any building in London of that style of architecture that is as good.

2261. You do not mean to say that it would be necessary to throw out the two wings?—Not at all. I should be sorry to see the plan hashed up into some other notion.

2262. Have you yourself been on the Embankment site?—Yes.

2263. Do you think it, considering the sites that are available for public buildings in London, one of the most desirable sites in the metropolis?—I think so.

2264. And you are of opinion that a road carried from Hungerford-bridge to Wellington-street would be a waste of that site, I presume?—Well, I have not thought of it from a utilitarian point of view, but from an artistic point of view, I think it would be very ugly.

2265. Mr. *Tite.*] Do you contract for your works?—Yes, as far as possible.

2266. And do you divide the contract into specific trades, or take it as a whole?—As much as is advisable into specific trades. At this moment we have three contracts for terra-cotta: one in

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Scotland, one in Blackfriars-road, and one in the Midland counties.

2267. *Chairman.*] Who is your Scotch contractor?—I cannot tell the name, but it is a new firm, who are trying to make terra-cotta, and can make it very well: we have a contract for iron with Cochrane's, who get some of their iron from Belgium, and some they make themselves, and we have a contract for red facing bricks; we buy our bricks direct from Fareham, but we have a contract with Messrs. Smith and Taylor for the construction of the work, and for the carcase of the building generally.

2268. Mr. *Tite.*] Are those contracts the result of competition, or do you make a bargain without competition?—Whenever we can get a competition we do so; indeed, I may say, in all cases there is competition. For the School of Naval Architecture, and for the museum offices now in course of erection, Messrs. Trollope, Messrs. Lucas, and three other firms, competed with Messrs. Smith and Co.; and there were six competitors for the carcase of the Bethnal-green Museum. Messrs. Perry obtained that contract. It does occasionally happen that having begun a work and employed a terra-cotta manufacturer to make the models, we employ him to execute the remainder of the terra-cotta of the same pattern required for the building without a specific competition. With respect to red brick, we are compelled to proceed differently: there is only one place where we can get the red bricks that we want.

2269. Your engineer or architect makes the estimate, and you carefully prepare the plans and contracts, and then you make the best bargain you can?—Yes.

2270. What is this building, the name of which I cannot read (*pointing to the plan*)?—They call that "The Royal Albert Hall of Arts and Sciences."

2271. Was there any competition for that building?—I am not responsible for that, nor is the department.

2272. Messrs. Lucas are building it?—I should not like to give any particulars about that, because it is not in my department at all.

2273. With regard to this terra-cotta, do you think you could build St. Paul's with terra-cotta?—Yes.

2274. What, with columns and capitals?—Yes; they built Pompeii with terra-cotta, where there are columns quite as big or bigger than those of St. Paul's.

2275. They are not in terra-cotta, are they?—They are red brick, but that is terra-cotta; I saw them three months ago.

2276. Do you think you could do that?—Certainly.

2277. Do you think you could erect a building of that kind in terra-cotta?—Yes, I believe so.

2278. With regard to your own experience in terra-cotta, I suppose it has not been very extensive?—It has been for 10 years.

2279. You know that Coode and Seely tried to introduce it?—Yes, I know that, and I know that their terra-cotta is as fresh now as it was when it was put up 100 years ago. If you look at a lodge, which there is in Merrion-square, Dublin, you will find that lodge is built with terra-cotta, Portland stone, and granite; and the only part that retains its appearance is the terra-cotta.

2280. Are you aware of any defects in Coode and Seely's terra-cotta?—Lots, when badly made.

2281. Mr. Alderman *Lawrence.*] Suppose this building to be built on the Thames Embankment, between the railway station and Wellington-street, how would you propose to place it? Would you propose it to come near to the roadway of the Embankment, or on the high ground, leaving the open space in front that is now clear to be converted into a garden ground with terraces?—Well, I have not been called upon to consider that question, and an off-hand dilettanti opinion is not worth much; but I should like some garden ground preserved about it in some way or other.

2282. If the question of expense were not considered, do you not think it would be more advantageous that the building should be placed on the high ground, and the present buildings which now occupy the space there, be removed, and the space that is clear be left still open as an enclosure, and laid out in walks and terraces in front?—I think the more you can mask the ugly buildings which have revealed themselves by the Embankment, the better; which of course implies that there is ground in front, and that ground I should be glad to see laid out in gardens; but how exactly to adapt the building to the spot, I should be sorry to give an opinion now.

2283. Are you aware that the ground which is open in front is reserved at present by Act of Parliament for public use, and is not to be covered with buildings?—No, I am not aware of that.

2284. Lord *John Manners.*] Are you a Commissioner of the Exhibition of 1851?—No, I am not.

2285. Then any information you have been good enough to give us upon the relations between the Commissioners of the Exhibition of 1851 and her Majesty's Government, is information which you derive from general knowledge?—From the Blue Books.

2286. You have told us that you would wish the six acres of property which now belongs to the Government at South Kensington to be reserved for the purposes of your own museum?—I think about that quantity.

2287. And you contemplate the necessity of building upon those six acres speedily?—Yes; but I am sorry to say that the buildings which are now on their legs are stopped for want of funds.

2288. But as far as your view is concerned you would wish these six acres to be utilised as soon as possible?—Yes.

2289. Are you able to tell us at what you estimate the cost of covering those six acres with buildings?—I can give you a very safe unit, and that is 1 *s.* a cubic foot, and then if you supply the length, the breadth, and the height, you will easily know how many of those shillings you can spend.

2290. With respect to the 10 acres, I understood you to say that you would suggest that they should be sold back by the Government to the Commissioners of the Exhibition of 1851?—That is my opinion.

2291. But not being a Commissioner, perhaps you can hardly tell us what is the view taken by the Commissioners of 1851 as to their lien on the land, in the event of the Government declining to use it for purposes connected with science and art?

art?—I would rather leave that to Mr. Lowe and the other Commissioners.

2292. Mr. *Dilke.*] Do you consider it an essential of that building of Captain Fowke's that it should be only two storeys high, or three storeys high; two, I think, is the centre part?—That depends upon those who are going to use it.

2293. Would it not make a complete change in the system of lighting the collection, if it were more than height; would not one of the two floors be entirely wasted?—No; you will see at once, if you take any portion of this building, that the lower part is side-lighted and the upper part of the building, again, is side-lighted; and if you put a third storey upon it it would be lighted like the other two storeys. There are other parts behind which are altogether top-lighted, and if you put your top floor high up, it would be as inconvenient as the Law Courts are supposed to be with the hundred steps up to them.

2294. Would it not be an inconvenience in that plan, if it were adopted on the now proposed site of the Embankment, if it was an essential of that plan that the building should be of a low character with top-lights, and that the site requires a high building in order that it may be properly seen from the Thames?—I have not studied that question, with reference to the height, but unless that building contemplates giving a great deal more accommodation than Professor Owen wants for his Natural History Museum, you might take such portion of the building as would suit the purposes without altering it a bit.

2295. In what position is the land which was occupied by the annexes to the Exhibition of 1851, now standing?—It is at present rather a seedy garden.

2296. I mean as to the legal position?—It belongs to the Commissioners.

2297. Is that reserved for the purposes of art and science in the same way?—Yes.

2298. How many acres is that?—I should think 13 or 14 acres.

2299. Are you aware whether they have any plan for dealing with that?—I think they have got some projects before them.

2300. Do you contemplate using the old refreshment-room buildings in with your new building?—Yes.

2301. Is it not a fact that they are in a very insecure position?—No.

2302. It is stated that they were built merely for temporary purposes?—It is very difficult to build anything for a temporary purpose; I never heard of a building where you could hit the exact time that it was temporary.

2303. You think they could fairly be used for that new building?—Yes.

2304. Mr. *Beresford-Hope.*] We understand that you do not think either that this building, whether temporary or not, or that the buildings that can be put on the existing Kensington Museum site, are sufficient for your collection?—I must ask what you mean by "this building"?

2305. In the building which Mr. Dilke has just been talking of, the refreshment rooms; the buildings on the present South Kensington site are not sufficient for your growing collections, as I understand?—They are wholly insufficient. If you are to take up the sciences applied to industry as well as art, the South Kensington Museum proper will be devoted, in my opinion most properly, to representing art applied to industry, and we are now using the refreshment room for the illustrations of science applied to industry, and to make that complete we want much greater space.

2306. I suppose if you get the six acres you would have no objection to the ground facing the Cromwell-road being, if Parliamentary leave could be obtained, devoted to private houses?—My own personal feeling would be to keep as much ground vacant as possible; but if there were good reasons for altering the size of the main block, which at present consists of 50 acres, into 40 acres, I do not see much against it.

2307. Do you think a sufficient reason for the alteration would be that the ground having been once bought, it would be required to buy ground again at a high price, in order to get these buildings on the Embankment?—I apprehend the process would be this: if the Government are not going to use this land themselves for the purposes of science and art, they would let the Commission have it back, and the Commission would pay them probably the value that they paid for it, and then there would be so much money to the good of the Embankment site.

2308. That is to say, there would be 16 times 5,000 *l.*?—It is rather more than that. Of course they would pay the proportion of it that they took; that is, if they received 120,000 *l.* and they retook ten-sixteenths of it, it would be that proportion they would have to pay.

2309. Would it not be much more just to the public, if a Parliamentary release from that obligation could be obtained, that the land should be left at an improved value in the hands of the Government?—It would give so much more money. I do not know, if the Government intend to keep it themselves, whether they had not better keep it altogether; I think the Government is not quite so straitened as to wish to build private houses on a plot of ground like that.

2310. *Chairman.*] But that is a matter upon which the Commissioners will speak, and which you are not in a position to speak upon yourself?—No.

2311. Lord *John Manners.*] You have already told us that you thought the six acres which you propose to reserve are not too much for the present wants of your department?—Not for our own present and future wants, I should say.

2312. I wanted to know whether you propose to build upon them, if you can now, or whether you would regard them as sufficient for all future probable wants of your department?—I believe that the best possible thing would be to keep the whole of that ground vacant; but if you are constrained to turn it to any account at once, then I think that six acres, plus the refreshment-rooms, would make a very handsome Conservatoire des arts et métiers.

2313. You would prefer, looking forward to the future, that the 10 acres should not be sold for private purposes?—I should, if an arrangement can be made between the Commissioners and the Government.

2314. Mr. *Buxton.*] Did I understand you correctly to say, that if the ornamentation of the South Kensington building had been in Portland stone instead of being in terra-cotta, you estimate that it would have cost four times as much?—Yes, it is a fact that it would.

2315. You say that positively?—Yes.

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2316. Are you acquainted with Sutton-place in Surrey that was built with terra-cotta?—Yes.

2317. You are aware, I have no doubt, that it was built in the time of Henry VIII. with terra-cotta on the edge of it, and that ornamentation is as good now as it was then?—Where the terra-cotta has been properly made, it is as good now as it was 300 years ago; but where it is not well made, it crumbles away like stone.

2318. I believe the best terra-cotta is put into a furnace at white heat for three days, and therefore it must be a very hard material?—Oh yes, it is very hard; it will turn any knife.

Professor OWEN, called in; and Examined.

Prof. *Owen*.

2319. *Chairman.*] HAVE you had your attention directed—as, indeed, since you have been in this room it must necessarily have been directed—if not previously, to the question of this site between Charing-cross and Wellington-street or Waterloo-bridge as regards the British Museum natural history collection?—Yes.

2320. Do you think that this would be a suitable site?—Granted sufficiency of space, it would be a very suitable site.

2321. The only question in your mind is as to the sufficiency of space?—I really do not know that it is the only question, but it is the only element which I should require in order to form a positive opinion, so as to be able to give an answer to your question.

2322. Assuming that the space were sufficient, having to choose between Kensington and this site, which would you prefer?—I should prefer this.

2323. What would be your reasons for preferring this to Kensington?—From its being in a very central situation, and being more likely to be convenient to the visitors, and to the students resorting to such a museum.

2324. It would be central, you think, and therefore more advantageous to the visitors and students; it would have also great convenience as regards access, would it not, by river, road, and rail?—Exactly so.

2325. To men of science generally, and to students, do you believe that this site for the natural history museum would be preferable to the Kensington site, assuming of course the space to be sufficient?—From general knowledge, I should say so. I have not had an opportunity of discussing it specially, but, from general knowledge, I should have no doubt about it.

2326. At any rate, your own opinion, setting the question of space aside, which is a *sine quâ non*, is in favour of this site in preference to the other?—Certainly.

2327. Mr. *Layard.*] You are of opinion that the natural history collection ought to be separated from the art and archæological collections of the British Museum?—I have never had any other opinion, in reference to that question, than that there should be a sufficient space allotted to the natural history somewhere; but of course if that space could be obtained with still greater proximity to the library, which is one of the conditions which leads me to prefer the site now mentioned, from its being nearer to the great collections of books than Kensington is, I do not know but that I should prefer its continuing in connection with the collections that you have just referred to, if adequate space could be obtained at Bloomsbury.

2328. I suppose if a separation be decided upon, in your opinion, the Thames Embankment site would be the most proper site?—Certainly.

2329. Of course you have had opportunities of judging of the interest taken by the working classes in natural history collections?—I have.

2330. And you consider that the Embankment would be more accessible to the working classes than any part of London?—Undoubtedly; on the ground which led the Prince Consort, 10 years or more ago, to suggest that if any part of the great collections in the British Museum should be separated and go westward, it should be the sculpture and art department, and not the natural history; namely, because the natural history collections are more interesting and instructive to the trade classes and the wage classes who are living more in the middle and eastern parts of London.

2331. Probably, taking into consideration the means of access, the position on the Thames Embankment is the most central in London?—It seems decidedly so.

2332. Both for the south and north of London? Exactly so.

2333. *Chairman.*] Do many persons come to the British Museum from the south of London?—I think on the days when the middle and wage classes have the opportunity of coming, far greater numbers come from the south and from the east, than from the extreme west; we have very large, in fact, crowded numbers of such classes on those days.

2334. Mr. *Cowper.*] Would they be able to come from localities from which the river steamers proceed?—Exactly so.

2335. Do you attach much importance to keeping the collection of natural history from the soot which floats in the atmosphere of London?—That is the aim of most of our arrangements for the preservation of specimens; the aim of our arrangements in making our cabinets, both the floor cabinets and the wall-cases, is to have the glazed covers and doors, with hinges, constructed on the best mechanical plans, in order most effectually to exclude dust.

2336. Your present arrangement with regard to cabinets is such, that you do not think it of much importance whether there should be more or less soot in the atmosphere, such a difference as might arise, whether you take a position nearer the suburbs or nearer the centre of the smoke-producing town?—Exactly so; I do not think that the difference is such as to affect the question of locality, especially when one further considers, looking back to the history of the Museum, that the locality originally selected for it was on the ground of its being out of town, and that it has now become almost the very centre of the metropolis.

2337. Mr. *Tite.*] I believe you have always advocated a division of some sort of the great collections of the Museum?—No, indeed: I have continuously and earnestly advocated a provision of

of that space which will save my successors from the very great difficulty and trouble which, for 10 or 12 years past, we have had to contend with, for the want of it; and any expression in favour of separation has been solely under the belief that it was essential to obtaining for the natural history the space requisite.

2338. If you could enlarge the site of the British Museum, which you evidently could do at no very great cost, taking the surrounding houses; is that a plan which you would recommend, taking it altogether, for giving you sufficient space?—If you suggest a comparison, there is certainly that one element of proximity to the library, which would guide my choice.

2339. You would like that?—It is of very great importance to the students of natural history to have ready access to the library.

2340. That perhaps led to your suggestion of sending away the sculptures and that class of interesting objects in order to keep the natural history collection where it is?—That was not a suggestion of mine.

2341. I understood you in your evidence to say so?—No; it was a suggestion first made by the Prince Consort.

2342. Not by you?—Certainly not.

2343. Mr. *Cowper.*] Will you state, according to your present views, what area you think necessary for properly providing for the natural history collection?—Mr. Hunt, in 1863, went carefully into all those details and questions with me, and ultimately embodied them in a plan, which is printed in a Parliamentary paper. He arranged the building for present actual wants on a space of three acres, and I asked for two additional acres for later additions, looking forward to the next 30 years.

2344. Is that your present view of the subject?—It is so.

2345. Do you think that you might be able to do with a less portion than three acres for the present, provided you had five acres in the whole?—No; I think that Captain Fowke, who went over the same elements, and they are very multifarious, and were all very well considered, and whose plan was ultimately perfected, as regards the detailed application of the several galleries, by Mr. Waterhouse, came to a building covering just the same space as Mr. Hunt's, namely three acres.

2346. That being a building of two storeys lighted from above?—Yes; chiefly so lighted.

2347. Do you think that it would be possible, if there was a difficulty in getting the space, to have a third storey, without unduly interfering with the mode of lighting the galleries?—No; I do not think that would work.

2348. But you consider it of importance that the general lighting of the collections should be from the ceiling?—In the main, but not wholly; there are certain galleries which, perhaps for reasons which I could give, and have given elsewhere in detail, are better lighted in the other way; both these things were very carefully considered and tested by experimental plans, and I believe that point may be regarded as settled.

2349. Mr. *Tite.*] With regard to this library of which you have spoken, would there be any difficulty in getting a sufficient natural history library in connection with the museum?—Both the plans which I have referred to include room or space for such a library as we should require.

2350. It is not very extensive, I suppose, when compared with the other enormous library?—Oh, no; I only desire to repeat that which I have stated in my former evidence, that Sir Joseph Banks acquired, for his time, the best library of natural history that had ever been collected together, and it is the only part of the library at the British Museum that is catalogued in a printed catalogue, which can be used by naturalists in the most effective manner. The catalogue was made by Dryander, a pupil of Linnæus, and it is entitled, "Catalogus Bibliothecæ Historico-naturalis Josephi Banks"; it is in five 8vo. volumes, which always fetch a high price in the market; for every naturalist is glad to get those volumes, on account of the facility of reference to the sources of information on any particular topic of natural history. The next point is, that Sir Joseph Banks bequeathed his natural history collections, with this natural history library, to the British Museum, knowing well that to work his natural history collection such a library must be part and parcel of it. I do not think, looking to the codicil of his will, which effected that transfer, that in equity it could ever be supposed that the Banksian library should be separated from the natural history collections. If it be determined that the natural history collections are to be separated from the British Museum, the Banksian Library ought to go with them; every book is stamped with Banks's name, and they are distinct from the rest of the library by virtue of that printed catalogue, which gives the number of every one of the books. If that be done, a great difficulty, and the main one affecting the balance of the question whether the natural history collections should remain at Bloomsbury, or whether they should be taken anywhere else, is settled, because the Banksian Library includes books that I could not, in all probability, get again in my lifetime, for they are, many of them, old and rare books, monographs, and theses, and special memoirs of that sort, which are not in the market. I could get every natural history work since the date of Banks's demise easily enough, but for reference to many books which are essential to every naturalist I should be compelled to go to the Banksian Library, wherever it is; and I need not say that would be a very great drawback to the scientific utility of the natural history severed from the Banksian Library; but a drawback which would of course be diminished in a ratio according to the approximation of the natural history collections to Bloomsbury.

2351. *Chairman.*] What is the number of volumes in the Banksian Library?—I do not know; I have not got the number; a reference to the catalogue, which extends to five closely printed volumes, would supply the information to the date of its publication, but Sir J. Banks continued to add to the library as long as he lived.

2352. Mr. *Beresford-Hope.*] Is the Dryander Catalogue drawn on such a principle that it could and might be extended to the subsequent additions to the library?—No doubt; it is made on such a principle, with indexes and cross references, that if any naturalist wants to get the recorded information on any one species of plant, animal, or mineral, he can work it out by that catalogue more easily than by any other arrangement that has been adopted.

2353. May I ask, then, which would be the more advantageous, supposing the natural history

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tory collection to leave the British Museum, to let the Banksian Library go with it, or keep the Banksian Library with the natural history library at the museum, extending Dryander's Catalogue, so as to have a uniform catalogue of the whole collection?—I am not quite sure. If the question relates to the extension of the plan of Dryander's Catalogue to the whole of our enormous collections of books at the British Museum, I am not competent to offer an opinion.

2354. You would, of course, prefer to remove the whole natural history library with the natural history collections; that in your mind would be the best thing of all?—If the natural history collection be removed, I consider it most important that the Banksian Library, at all events, should go along with it.

2355. *Chairman.*] You told us that in the three acres, there was a calculation which included the library?—Yes; in all the plans.

2356. Did that include a library of the size of the Banks's Library?—Quite so.

2357. So that it is a further matter to be considered, that it is understood that you are to have a library, and it has been calculated upon the plans, but whether that library is to be the Banks's Library or some other, is a matter for which you can make arrangements afterwards?—That part of the plan, viz. the library, has been sanctioned by the trustees, and other authorities, with reference to every plan of a museum of natural history that has been worked out, and to which I have already referred.

2358. Mr. *Beresford-Hope.*] I suppose you are aware that there is a precedent for that at Oxford in the natural history library being included in the Radcliffe-buildings, and the remainder of the library being part of the Bodleian?—I am very glad to hear of any precedent that may support my view.

2359. You are not aware that the University of Oxford, having a very large collection of books and two buildings to put it in, adopted that system of classification, concentrating their collection of books upon natural history in the Radcliffe cupola?—I know that the Radcliffe Library has been very advantageous for the advancement of natural history.

2360. Mr. *Gregory.*] You made a calculation, I think, some time ago, that the cost of the library for the natural history museum would be 30,000*l.*?—It would depend upon whether we had to purchase the whole of the books, which comprise that magnificent collection of Sir Joseph Banks. If we have not to do that, it would very much modify the estimate; still, the works on natural history, essential to its study and advancement, which have appeared since Sir Joseph Banks's time, would now run up to a large figure.

2361. With regard to the exhibition of objects in the natural history museum, you are perfectly satisfied with the side-lights for a very large portion of your exhibition, are you not?—Not for what one would call a very large portion of the bulk of the natural history. The side-lights are adapted for the geological masses, for the larger fossils, and for the larger objects of natural history, the mammalia for example.

2362. Or osteology, for instance; that would be a large proportion, would it not?—Certainly, it is a large proportion with regard to mass, but not with regard to number of specimens.

2363. If a large amount of skylight were required or available, do you not think that the light which would be obtained from this place by the river side, which you would be perfectly sure of for ever, would be much better than the chance of being built near, if you went down to what are at present called the suburbs?—No doubt that is another element in favour of the river site.

2364. Because what are suburbs now will probably in a very short time be the heart of a new metropolis?—Yes.

2365. Mr. *Dilke.*] Would it not be the case that if a building were erected on the Embankment site, it would have to be run up to a considerable height, to suit the ideas of taste, with regard to the river frontage, that seem to prevail?—A building of two storeys, as far as I can judge from the plans which I have seen, appears to include all the architectural considerations or elements that would be required with reference to the site. I speak with great diffidence on any purely architectural question; but the edifice, on either Hunt's or Fowke's design, is not a low building, because the galleries are lofty, and on many grounds they require to be so.

2366. Mr. *Beresford-Hope.*] I suppose that there would be comparatively little inconvenience in the books being on the basement floor, and being lighted by side-lights?—Very little, if any.

2367. And therefore you might gain your elevation and gain your additional library space too?—That is an architectural consideration, against which I know of no technical objection.

Sir Roderick Impey Murchison, called in; and Examined.

Sir *R. I. Murchison.*

2368. *Chairman.*] I believe you are one of those who, at one time, whatever your present views may be, were very much opposed to the removal of the natural history collection from the British Museum; indeed, I believe it was mainly, or in a great measure, through yourself, that a petition was drawn up and presented to Parliament against that removal. That is so, is it not?—Yes; it is so.

2369. Has your attention been called to this site on the Thames Embankment, with reference to the natural history collection, and do you think it suitable?—I have accidentally had my attention called to it. I have been a trustee of the British Museum for 17 years, and having been for 16 years on the Standing Committee, I am necessarily acquainted with all the questions connected with the proposed removal to South Kensington. Your Lordship was quite right in what you said, that I took as active a part as I possibly could in preventing the dislocation of what I considered to be a grand and unrivalled national establishment; and I did so for various reasons, not only scientific. I was then backed by 120 men of science; I say backed, because I happened to write out that petition to the Government which was presented to Mr. Disraeli, then Chancellor of the Exchequer, and afterwards printed by the order of the House of Commons 11 years ago. I wrote the whole of that petition myself

myself, except one paragraph, which was written by Professor Owen, who was at that time quite as firm an advocate for preserving the Museum *in situ* as I was.

2370. Having been opposed to the removal of the natural history collections to South Kensington, I ask you whether you have considered this site, with reference to the removal of those collections, and whether your objection to their removal from the British Museum still holds, or whether you think that this site is suitable for the erection of such a museum?—I have no hesitation in saying that my personal opinion is that the Thames Embankment is a very good site; but being a trustee of the British Museum, I do not speak with the voice of other trustees, although I happen to know, from conversations with two or three of the influential trustees, that they seem to hold the same opinion as myself.

2371. In all respects you think it is a much more suitable site than Kensington?—Infinitely.

2372. What are your reasons for that?—My main reason is this: I have here the petition before alluded to, and after giving a variety of scientific reasons which I will not now read, I call the attention of the Committee simply to this point: "Whilst such are among the prominent reasons against the removal of the natural history collections from the site where they have been established for upwards of a century in the centre of London, we beg to add the expression of our opinion that such removal, particularly if to any situation distant from that centre, would be viewed by the mass of the inhabitants with extreme disfavour; it being a well-known fact that by far the greater number of visitors to the Museum consists of those who frequent the halls containing the natural history collections, whilst it is obvious that many of those persons who come from the densely-peopled districts of the eastern, northern, and southern parts of London, would feel it very inconvenient to resort to any distant locality." That is in the petition, and that is the main ground, at this very moment, for my approval of the building upon the Thames Embankment, which is almost as central, although perhaps not quite so, as the present British Museum. I think if you take the compass you will find it is in as nearly as possible a central position.

2373. It has great advantages, as I suppose you are aware, as regards approaches by river, road, and rail?—Particularly with regard to steamers, and the people going up and down the Thames. And if the trust of the British Museum is to remain as it is, the site would be very convenient to the trustees, the distance between the two buildings being small.

2374. It would be convenient to the trustees, and it would be convenient also to men of science, would it not?—Yes.

2375. More so than Kensington?—Most unquestionably.

2376. As regards the masses of the population, you think it would be rendered more available for them than if it were to be transferred to Kensington?—I feel quite certain that if we look to the great advantage of a central position for the masses, particularly to large bodies of working men, if this had been properly put forward some years ago, no metropolitan Member, except, perhaps, if Chelsea had then been a borough, would have consented that his constituents should see transferred to a suburban district the very collections in which the largest masses of the people take the greatest delight.

2377. Then is your opinion, for the reasons you have just given, so strongly in favour of this site, as compared with the Kensington site, that if it were believed that it would render the erection of a building more costly there, through the purchase of land, or from any other cause, you would still think it a justifiable increase of expenditure to incur on the part of the nation?—If the object be to diffuse natural history science in the most effective manner, and to instruct the great masses of the people, I say it will unquestionably be very well worth while to incur the expense.

2378. You heard a question put to Professor Owen as regards light and air on that space; that would necessarily be as good as possible, would it not, from having a broad roadway, with some unenclosed ground and the river in front of the Museum?—Yes.

2379. In fact, there would be more space there between the Museum and any building than could possibly be got on the Kensington site?—I think, my Lord, you are as good a judge of that as myself.

2380. Lord *John Manners.*] I think the petition to which you have referred was presented some 10 years ago, was it not?—Eleven years ago.

2381. Was the system of underground railways in operation at that time?—No.

2382. Supposing a person having seen the collections at the British Museum wished to see the natural history collections after their removal, which would he find it most convenient to get to, the new site on the Thames Embankment or the site at South Kensington?—I cannot answer that question precisely; but I will say that my great reason for advocating the conservation of a central position was, as I have already explained, for the convenience of the lower orders, and the vast number of the class of shopkeepers, many of whom have collections of natural history objects. All these people, who live in the centre of the town, attach themselves particularly to the natural history department of the British Museum, and in fact the natural history rooms are always crowded in the proportion of four to one, as compared with the halls containing ancient sculpture. These people have no taste for Phidias and Praxiteles, but they have an intense love of natural history; and it was on that ground more particularly that I always advocated a central position. These same people would think a great deal of the 6*d.* they would have to pay by the underground railroad.

2383. Are you aware that, practically, great numbers of working people do travel in third-class carriages on the underground railway?—I know not the statistics on that point.

2384. How near is the station of the underground railway to the British Museum?—I really have never gone by it.

2385. Mr. *Tite.*] In point of fact, you believe that the great crowds of people who go to the Museum, walk?—Yes.

2386. That is your impression?—I am sure 15 out of 20 walk; and walk in their working dress, and come in easily and habitually.

2387. But if a man can cross a river, and come to the site of a museum for a penny, that, I suppose, would be an advantage which he could manage to afford, and it would be a great conve-

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nience to him?—Very great, indeed. The same people who came from the south of London before will find the new site much nearer.

2388. With the additional facility of conveyance, if they can afford it?—Yes.

2389. Mr. *Gregory.*] I think, in former days, the scientific trustees, and I am speaking of the scientific trustees alone, were unanimously opposed to the removal of the natural history collections to Kensington, were they not?—I think there can be no doubt that the scientific trustees were, as you say, opposed to it, and in point of fact, those of the Standing Committee who opposed any breaking up of the Museum were as 11 in 15; therefore we had then a very large majority decidedly opposed to all dislocation and breaking up of the Museum.

2390. That comprised all the scientific trustees, I think?—All of them.

2391. Of course you have had an opportunity of consulting the opinion of the scientific trustees, are they unanimously of opinion that the Thames Embankment would be an eligible place for a natural history museum?—I have already answered the Chairman, by saying that the subject has never been brought before any meeting of the trustees in an official manner.

2392. Not officially, but unofficially?—After the meetings I have talked with four or five of the trustees, at different times; I do not like to mention names now, but if mentioned, they would, I am sure, carry great weight.

2393. And they are in favour of the Thames Embankment site?—Yes.

Professor HUXLEY, called in; and Examined.

Professor *Huxley.*

2394. *Chairman.*] YOU have been in the room, I think, during the time that Professor Owen and Sir Roderick Murchison have been giving evidence upon the subject of the transfer of the natural history collections to the Thames Embankment site; do you, generally, agree with the evidence given by them?—I am not quite sure that I invariably heard what was said by those gentlemen; but I think the site itself is an exceedingly good one for the purpose.

2395. Do you think it a good one for its purpose *per se*, as compared with the Kensington site; which would you prefer?—There are two points to be considered with regard to the natural history museum. From the one point of view one looks upon it as a great object library for the use of men of science. In respect of that purpose, it does not much matter where the Museum goes; it would do as well at South Kensington as at the Embankment, or where it now is. The great thing that is wanted, with regard to that object of a museum is, a thoroughly new organization and re-arrangement. But with respect to the other purpose of the Museum, which is to serve as an exhibition for the instruction of the great masses of the people, especially of the poorer classes, I do not think there can be any rational doubt as to the advantage of its being on the Embankment rather than at South Kensington.

2396. In your opinion one of the great objects of a museum would be much better fulfilled if it were placed on the Thames Embankment site than if it were at Kensington?—Certainly.

2397. Looking at the importance of that object, supposing it were to be shown that the cost of the erection of such a building on the Thames Embankment site were to be greater than at Kensington, would you consider the advantages to be so much greater as to justify that expenditure?—It would, of course, depend upon the amount of the expenditure; but anything in reason, or moderation, might, I think, be expended. I may, perhaps, mention to the Committee that the other day I took part with Sir Roderick Murchison in receiving a deputation of working men who were desirous to have evening instruction in science. It was suggested to them that they might perhaps be able to get such instruction at the South Kensington Museum; and one of the members of the deputation at once replied, "Sir, it might just as well be at New Zealand as South Kensington for our purpose, because we cannot get there."

2398. So that at South Kensington evening classes could not be of much practical advantage to the working men, but if you had a museum on the Thames Embankment, evening classes would be opened with great advantage?—The statement that was made by these men was that any situation between Jermyn-street and Clerkenwell would be suitable. That was their definition of the region that would be convenient for them; and they said, very naturally, that it makes all the difference whether you have to walk for a mile, or three or four miles, in order to obtain instruction.

2399. This would really not be literally between Clerkenwell and Jermyn-street, but it would be a very central situation, infinitely more central than the South Kensigton site?—I apprehend, with regard to the question of easy access, that there is no situation in London which is at all comparable with this, because there would be a river landing, as a matter of course, and the locomotion on the river is cheaper than anywhere else. No man can travel so far for a penny in any other way as he can on the river.

2400. Mr. *Layard.*] Do you know whether there were any working men from the south of London in that deputation?—There was a very large number represented, and I suppose the deputation must have represented the interests of the south of London men, as well as that of the others. I do not at all imagine that these men meant to say that it must be in the line between Jermyn-street and Clerkenwell, but what they meant to indicate was what, for them, would be a central position.

2401. *Chairman.*] You have spoken as to the general advantages of this site. As regards the light, it would be the best light that one could ever hope to get in the metropolis, I presume?—I think it would be; but the preference there is not, perhaps, quite so absolute, because fog often hangs on the river. But, on the whole, taking the chances of being built up, I think it is as good as any other site.

2402. That is to say, there could be no building to interfere with the light for many hundred feet across the river?——

2403. Mr. *Layard.*] I think that the naturalists were divided into two great parties, as regards the locality for a new natural history museum, the South Kensington, and the anti-South Kensington, were they not?—Hardly. The history of that is a little curious: Sir Roderick Murchison referred just now to a memorial drawn up by himself many

many years ago, which was signed, I think, by nearly the whole of us; that memorial was strongly in favour of keeping the whole of the collections together at Great Russell-street; but the persons who signed that memorial, as is the case with all memorials, did by no means all of them exactly concur in the precise reasons which were set forth in it. A great many of us, of whom I was one, (and I believe the great majority of naturalists still entertain the same view), were of opinion that there was not the slightest necessity to remove the collections; but that if a proper principle of arrangement were adopted, and no extravagant demand for space were made, there would be ample room to arrange the collections in a most admirable manner on the present site, and which would be at less cost than removing them. I believe a great number of us signed the memorial on the ground that we did not believe in the necessity of removing; that it would be a costly matter; and that the collections, in all probability, would be worse arranged where they went than where they were before. However, that document was interpreted by the authorities, as I understand, in the sense of a strong desire to keep the collections where they were, without reference to anything else; and when some of us found that out, we were so much displeased at this interpretation being put upon our signatures, that we presented a separate memorial to the Chancellor of the Exchequer of the day, to state that in our mind the question of site was of extremely little importance as compared with the question of organization, and we proposed a plan of organization. At that time (1858), and ever since, it has been the opinion of many persons that it was useless to argue the question of site any further, because the Government had made up its mind that the collections were to go to South Kensington. But I do not hesitate to say, from what I have heard from my brother naturalists, that supposing the collections are to be removed from Great Russell-street, we look upon the Thames Embankment as one of the best places to go to.

2404. In fact, supposing there are two parties amongst the naturalists, they both combine to accept the Thames Embankment site?—Quite so; but I do not think there were two parties; I think all working naturalists would have agreed that the thing to secure was, in the first place, a thoroughly careful organization; and in the second place, they would have agreed upon the absence of any necessity to move the collection at all.

2405. Supposing the demand for room for the archæological and art collections in the British Museum to be so great that no space is left for them without removing the natural history collection, you are of opinion that the Thames Embankment would be the best site for a museum for that collection, if such removal were carried out?—Certainly.

2406. Did you hear Professor Owen's evidence as regards the space required?—I am familiar with Professor Owen's views upon that subject.

2407. He stated, I think, that three acres would be required at once, and a prospective two acres to be added hereafter, is that in your opinion sufficient, or is it too much, or too little?—My views are unfortunately very much at variance with those of Professor Owen on that subject, and in that I may say I am upon the side of all the working naturalists in the country. I think I am right in saying at the present moment that we are all in favour of one principle of arrangement. I do not know what Professor Owen's views may be at present, but in those which he has published he has adopted a totally different principle; and the practical difference which would be made by carrying out the one or the other of those two principles is enormous. According to what Professor Owen has published, the demands for space which he makes are based upon the principle of exhibiting all specimens, of allowing everything to be seen by the public. I do not desire to dispute the weight which ought fairly to be attached to Mr. Owen's judgment, but as a matter of fact, all of us who are conversant with the organization of museums are on the other side; we maintain that the carrying out of that principle would involve an enormous unnecessary outlay, that it would make the collections wearisome, and of very little use to the public, and would at the same time, interfere with their usefulness to the working men of science. We, on the other hand, advocate the principle of what is called the "typical arrangement," by which I do not mean a small and scanty arrangement, but an arrangement for making a full and ample exhibition arranged in such a way as to be instructive to the public, and keeping a great mass of specimens which are of no use or intelligibility to the public in a compact form, for the use of men of science. The proposition to exhibit every specimen in the collection is to naturalists very much the same as if a librarian should say that in a public library it was necessary to have every book open, so that every one could read it. You spoil your books, you make an exhibition totally useless to the public, because they do not want to read all the books, and you render the books *pro tanto* inaccessible to persons who really want to consult them. The same thing will happen with regard to the natural history collection if the principle of universal exhibition is carried out. The great majority of the objects will be spoilt by exposure, the public will be utterly bewildered, and men of science will not be able to have ready access to the specimens which are requisite for their use. The whole demand for space turns upon which of these two principles you adopt. If you adopt Professor Owen's plan, I think his proposition with regard to the space required is a moderate one. I think you might take 10 or 15 acres, even; in fact there would be no end to the space required. If you adopt ours, as I stated to a Committee of the House of Commons 15 years ago, you might make the finest exhibition the world has ever seen, upon a space equal to five such galleries as those which at present constitute the bird room in the British Museum, which, as far as my recollection serves me, is 300 feet long by 50 feet wide. To give an idea of what I mean, I may say that the floor area of the bird room is equal to the whole floor area of the College of Surgeons' Museum, which is one of the finest of its kind in the world. I have always maintained that if a space equivalent to five of these galleries could be applied for this purpose, they would afford ample room to make one of the noblest and most instructive zoological museums that can be imagined. The superficial area of that room is about 15,000 square feet, I think.

2408. You think, if we could provide on the Embankment site three or three and a half acres of ground, they would be amply sufficient for the erection of such a building as a natural history museum, including such a library as Professor

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Owen has mentioned?—Yes, I have not the least doubt of it; but it all depends upon the principle I have mentioned being carried out.

2409. I have had an opportunity of speaking to you privately upon this matter, and we discussed a plan to make the specimens accessible at the same time to the public and to students, by so arranging the cases that there should be a passage behind them in which students could remove and examine the specimens. Thus the cases would open behind and not in front, and the public might pass through the galleries without interfering with the students; do you think that for that system this space would be sufficient?—Yes, I have strongly recommended the carrying out of that principle in the new museum at Manchester, upon which I have been consulted. I have not a doubt that it would be the best and most convenient structure that could be adopted.

2410. Mr. *Cowper.*] Do you attach importance to top-lighting of the galleries?—Very great importance; I should have none other but top-lights if I could construct a museum according to my own notions.

2411. But, with reference to the mammalia and other large objects, side-lighting, I presume, would be sufficient?—I think a side light is a very uneconomical light, and, upon the whole, is a bad light, and that there is no need for adopting it.

2412. Do you attach much importance to the library being in contiguity with the natural history collection?—It is absolutely necessary that there should be a good working library for the use of the curators of the museum, and for parties who come to consult them. I should say that what is really indispensable is to have on the premises of the museum a working modern library, a post-Linnæan-library, because there are very few zoological books written before the time of Linnæus which have any other than an antiquarian value. The whole science of zoology has been re-created in the course of the last century, and all the books which we are in the habit of consulting and working with in order to determine the species of an animal, or a plant, or a mineral, with very few exceptions, are books which do not date much beyond the commencement of this century. You want a modern library, and above all things a periodical library.

2413. And the purchase of this modern library, I presume, would not be a difficult or an expensive matter, supposing that all the same books were left in the British Museum?—No, it would certainly not be a very expensive matter; I should be sorry to give any sort of estimate, but still the expense would be moderate as an item in the endowment of the whole place. For example, in the School of Mines, at present we have a very good periodical library, and I think our grant for library purposes is about 500 *l.* a year. I do not mean to say that would be sufficient for such a library as we are now contemplating, but that would give some sort of a notion of the amount required.

2414. From what you have said, then, you do not think the building ought to be more than two storeys high, in order to be lit from the ceiling?—Strictly speaking, I think it ought to be only one storey high. If I could construct a building according to my own plans, I should have it some 30 or 40 feet high, with a gallery running round, somewhat like that of the College of Surgeons. That is one of the best rooms for a museum that I am acquainted with, one in which the light is admirable, and in which there is one of the greatest possible economies of space.

2415. That is a building which, externally, appears to possess two storeys?—Yes, it would appear so.

2416. Mr. *Tite.*] Then the space you would require would be six times 15,000 feet, which is two acres?—Yes; but I speak purely and simply with reference to the zoological collections. If you propose to add the collections of fossils and minerals, you must have other galleries for that purpose.

2417. Do those collections need top-lighting as well as the zoological collection?—I think a top-light the best.

2418. Do bones, for instance?—A top-light is, in my judgment, the best for mounted skeletons.

2419. You want the same sort of light for them?—Yes.

2420. What space would you require for fossils?—I should think you might get ample lodgment in a single additional gallery, like that I have just mentioned, properly arranged and properly utilised.

2421. Of course the library and the officers' premises would have to follow?—Yes.

2422. Probably three acres might include it all?—Yes. I reckon that five times the space at present occupied by the bird-room in the British Museum (taking that space at 15,000 square feet) would suffice for the erection of a building in which the largest zoological collection that can ever be formed may be displayed and preserved in the manner most advantageous to the public and to men of science. Thus, for zoology, I ask, say, an acre and three quarters; I should provide another 15,000 square feet for the fossils, and half as much for the mineralogical collections; and half as much for the botanical collection, if any such collection is to be taken to the new site. This makes a sum total of about two acres and a half, and half an acre for margin, offices and residences, and the like, and I believe that ample provision will be made not only for all present, but for all future needs of a great national natural history museum. In saying that, I think the building ought to be of only one storey and top-lighted; I mean so far as it is devoted to museum purposes. But I think that the museum galleries might be conveniently supported on a side-lighted ground-floor, which would afford ample room for the library and offices.

2423. Mr. *Layard.*] Of course, when I asked you the question about the space, I meant to include all the natural history collections, together with the collections of mineralogy, zoology, geology, osteology; in fact, everything that appertained to the department of science in the British Museum?—My first answer had reference entirely to the zoological collection; but if you wish to add the other collections I should say, speaking roughly, another couple of galleries, making, say, seven altogether, would be sufficient; but that is, of course, a mere estimate, and a very moderate one.

2424. Mr. *Gregory.*] Do you know what the ground-space at Leyden is?—I do not remember.

2425. In the plans that you propose, you have no doubt, that as far as regards the scientific student, it is much the most convenient and the best for him?—Yes.

2426. And as regards the general public, who must

must also be consulted, do you not think that certain forms and objects of natural history would be more calculated to instruct and attract them, and would have a far more powerful effect upon them, and be far less likely to bewilder them, than an immense number of specimens, varying in so minute a degree that nobody but an experienced naturalist would observe their variations?—Undoubtedly; every person who has thought out clearly how to use a museum as an educational institution, must be aware that that purpose cannot be carried into effect except by adopting the typical system. Take a working man, who comes on Easter Monday into the bird-room of the British Museum; I do not know how many species are exhibited, but certainly there are several thousand, among which he loses himself. A museum, to educate through the eye, must have all its parts arranged as a lesson, so as a man walks through a gallery, he may, by using ordinary trouble and intelligence, take away with him some notions of the habits and organisation of the animals exhibited.

2427. Would you exhibit a typical arrangement both of species and striking varieties?—Certainly; I should have specimens to exemplify all zoological truths of primary importance.

2428. You would have the remainder, I presume, in drawers, where the student could take them out, handle them, and examine their structural differences?—Quite so; the fact is, that stuffed birds are of very little use to students. Every working ornithologist, for example, keeps his collection in drawers, and never dreams of stuffing his birds.

2429. I suppose you are aware that there is a very large quantity of specimens in the natural history museum which are not only unnecessary to be exhibited, but are what may be called duplicates?—It is very hard to say, unless one had gone carefully over the collection, what could be called duplicates, because it is very desirable often to have a number of specimens of the same objects, even if it be only for the purpose of proving that there is no variation.

2430. Those of course it would be unnecessary to exhibit?—Quite so.

2431. I do not know whether you are aware that Professor Owen gave evidence before a Committee of this House to the effect that he had sufficient duplicate specimens which were not required, to stock four or five museums?—I was not aware of that.

2432. Lord *John Manners*.] The system of arrangements you advocate would necessitate a passage at the back of each gallery, would it not?—Yes; in fact there would be a series of alternating galleries, small and large, the small galleries for the curators and the large galleries for the public, and the access to the specimens would be from the curators' galleries in the rear; the face of the case would be turned towards the spectators, and would be like a large shop-front, one mass of plate glass.

2433. I think you were in communication with Mr. Waterhouse in the course of last year upon that very point?—I was requested to look over the plans with him in company with some other naturalists, and point out to him what my views on the subject were.

2434. So that Mr. Waterhouse will be able to tell us how he proposes to meet that view which you have placed before the Committee?—No doubt.

2435. Mr. *Tite*.] Have you been in communication with him?—Yes; I think last year I was requested to put myself in communication with him.

2436. Mr. *Buxton*.] Have you found from your experience that the working men take an interest in museums?—They take an immense interest in them.

2437. And that most of the people are able to take an intelligent interest?—I think it depends upon the sense in which you use the word "intelligent"; I think that they come to natural history from their love of collecting insects; from their love of pigeon fancying, and things of that sort. But with the present system of arrangement of the specimens in museums, it is impossible that they should take a very intelligent interest, because the arrangement of the museum does not appeal to their intelligence.

2438. But you think it has a cultivating effect upon them?—No doubt.

2439. They come with sufficient intelligence to derive a benefit from what they see?—Yes, but I think that that amount of benefit might be almost indefinitely increased by adopting a proper system of arrangement.

2440. Mr. *Layard*.] Another great advantage of the arrangement that we have discussed of, having galleries behind the cases, would be that it would enable the museum to be opened every day in the week?—Quite so.

2441. The public need never be excluded?—The public never need be excluded; while, on the other hand, the men of science need not be excluded. The Committee will understand the amount of annoyance which is occasioned to a man of science who goes to a museum on an open day to study a specimen, when, before the case has been opened two minutes, he has an assemblage of people, each with a pair of eyes staring as hard as he can to see what he is about, so that anything like a careful examination under these circumstances is very difficult.

2442. Therefore this arrangement would be equally advantageous to the public and to the naturalist?—Quite so.

2443. Mr. *Gregory*.] There is so much misrepresentation with regard to this restricted system which you advocate, that I must ask you one question about it, to make matters clear: in your plan of course you intend that there shall be a very liberal exhibition indeed of all that is beautiful and striking; you do not at all mean to restrict yourself just to one or two specimens of different classes of birds, for instance, but you mean to take as many species as will really illustrate the whole of the class, which would be for the advantage of the museum as well as for the instruction of the public?—I entirely object to the term "restricted system," which has been applied to this method; it is a word which has been very skilfully chosen, on account of, if I may so say, its injurious connotation. If you set before a man an enormous repast, enough for 50 men, and then take away 48 out of the 50 shares you put before him, you cannot be said to restrict his dinner; he has as much left as he can possibly digest; and those who advocate the typical system propose simply to carry out that principle in its application to a museum. You do not take away from a man anything that he can make use of by exhibiting a typical series of objects, but, on the other hand, you enable him to turn to the best possible account those things which you place before

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before him; and you take away the great element of confusion which is introduced, by putting before him a number of objects he cannot comprehend. I would ask the Committee to consider for a moment what can be the use of turning out before an assemblage of miscellaneous visitors to a museum 20,000 or 30,000 species of beetles? What possible use is it to a visitor to have before him this great series of insects, which for the appreciation of their differences require careful individual study? The result of making such an exhibition is, that you spoil the insects, you weary the spectator, and at the same time you prevent the entomologist who wants to consult the collections scientifically, from having access to them whenever he wants it. When I speak of a typical collection, it must be understood that the collection would still retain a marvellous series of objects; it is not as if one meant to make a small or starved exhibition; it would still occupy a very large space, and in many respects would be much more complete than it is at present. For example, instead of having 10,000 stuffed birds to show, I should propose to exhibit perhaps a couple of thousand, in such a manner as to teach the most important peculiarities of the whole class of birds through the eye.

2444. Mr. *Layard.*] You mean admirably stuffed and set up specimens, giving their characteristic features as much as possible?—Quite so, with the skeletons, the conditions of the young, the nests and the eggs, so that a man could carry away a notion of what birds really are; at present he leaves the bird room with a sort of phantasmagoria of feathers in his mind.

2445. Mr. *Tite.*] Can you quote cases of museums abroad which are arranged upon the plan which you urge?—No; there is no museum in existence which is so arranged, and I believe that is the great cause why museums are as ineffectual and comparatively useless for educational purposes as they are.

2446. I am speaking of those at Leyden, Berlin, and at Paris; are those arranged upon your principle?—No, but then it must be recollected that those museums are in a great measure, if not entirely, devoted to scientific purposes.

2447. Mr. *Layard.*] They are not so much open to the public as they are here?—I hardly know that, but I think they are much more meant for scientific purposes.

2448. I think the Jardin des Plantes is only open on certain days, and some formalities are required to be gone through in order to get there?—I should have no hesitation in saying that this plan, both for scientific as well as popular purposes, is the best.

2449. Lord *John Manners.*] I think I understood you to say that the student would be allowed to have the specimens he wished to examine removed from the case, in order to study them in some room provided for the purpose?—Yes, the access to the case being from the back, the case would always be accessible, and, without removing a specimen of which only a cursory inspection was required, a student could examine it from the inside.

2450. I understood you to say that was very objectionable, because the students hence found themselves the objects of study on the part of the public?—I do not think the objection is so much to being an object of study as to have a number of people crowding about you; but if there is a good thick plate of glass between you and the public you must be very sensitive indeed to care much about their looking at you.

2451. Mr. *Beresford-Hope.*] Are your narrow galleries which lie between the cases to be each accompanied by a private gallery?—No; I should dispose the galleries alternately, so as to have only a double set on the outside.

2452. How far will that system co-exist with having exhausted air cases for some of the rarer specimens?—You could have them inside the other cases, I should put them all under cover; I would not have a single specimen except under glass.

2453. Not even the large camel-leopards?—No; I would make no exceptions.

2454. Mr. *Gregory.*] Are there any foreign natural history museums arranged on the typical system?—No, not that I am aware of: but I think I ought to add that, in my judgment, a proper system of arranging museums has never yet been carried out; in all these things we are growing and learning, and I think that a proper arrangement of a museum for the education of the public is yet to come.

Mr. Alfred Waterhouse, called in; and Examined.

Mr. *A. Waterhouse.*

2455. *Chairman.*] You have turned your attention, have you not, to the adaptation to this site of the plans which have been prepared for a natural history museum?—I have.

2456. By this site I mean the reclaimed land between Charing Cross Railway and Waterloo Bridge?—Yes.

2457. You have been in communication with the Office of Works upon this subject, have you not?—Yes.

2458. Mr. *Layard.*] I think you were selected as the architect to erect the natural history museum?—The First Commissioner of Works in 1866, Mr. Cowper, did me the honour to request me to carry out Captain Fowke's plan.

2459. We presume that the building you were requested to erect was to have been on the Kensington site?—It was.

2460. Have you prepared plans and elevations for that site?—What I first did was to prepare estimates for carrying out the portion of the plan which was then intended to be first erected, and to exhibit those plans to the trustees of the British Museum and the professors there, and to see what modifications were required in order to make these plans suit their views.

2461. And you have prepared plans in accordance with the views of those professors, and they are perfectly satisfied with your plans?—I prepared a modified design with that object in view, with which the professors expressed themselves satisfied.

2462. I think when I came into office I had the pleasure of communicating with you with regard to the possibility of transferring the museum of natural history from South Kensington to the Thames Embankment site, between Charing Cross and Waterloo Bridge?—Yes; I was honoured by a communication from you on that subject.

2463. In

2463. In consequence of that suggestion, you were good enough to look into the subject?—I did so.

2464. Will you kindly state to the Committee what the result of your examination of this proposed scheme is?—I found that in the site which you brought under my notice, there was amply sufficient space for the museum as intended; not Captain Fowke's museum, which was on a very much larger scale, but for the museum which was approved by the trustees and professors of the British Museum, and also for a roadway behind that museum up to the Strand.

2465. As an architect, is your opinion more favourable to the Thames Embankment site than the Kensington site?—I am very strongly in favour of the Embankment site.

2466. Do you think that a very fine edifice, a great ornament to the metropolis, could be erected on that site?—There is no doubt of it.

2467. Have you drawn out any sketch or plan of your views on the subject?—I have only made some block plans to show how the museum might be adapted to that site.

2468. Will you tell the Committee whether you propose, in erecting this building, to place any part of it on the reclaimed land, or is it to be erected entirely upon land now covered with houses?—There are various ways of treating the question, but my impression is that a satisfactory building might be erected upon the reclaimed land, and the ground occupied by the wharves and the old low buildings, which you will see on the model, and which used to skirt the water side. Another way of treating the scheme and securing a more imposing building would be to set it further back from the roadway, getting, in all probability, a more efficient street, behind the building, up from the Embankment, to the Strand, but which would encroach more or less upon the valuable property on the high level.

2469. How many acres does that building cover which you have sketched out on the reclaimed land?—Three acres.

2470. And that, according to the information which you have received from those professors with whom you have been in communication, would be sufficient for the erection of a natural history museum?—I gathered clearly from the trustees and from the professors that the plan, as submitted to them, was quite sufficient, and this is quite as large, if not larger, than that.

2471. As far as internal arrangements are concerned, you could adapt the plans that you have already prepared for the South Kensington site to this new site?—Very easily; but I think I should say, that the last South Kensington plan would want some modification if it were to be adapted to carry out Professor Huxley's views.

2472. But you would have no very great difficulty in doing that, I presume?—None whatever.

2473. Have you combined with that building any gardens or terraces with flowers?—Yes; there would be a considerable space of unoccupied ground which might be devoted to gardens.

2474. Lord *John Manners.*] Are you confining yourself now to the lower level?—I will explain the plan. This, No. 1 (*pointing to a plan*), is what I may call the most modest scheme, which places the building within about 40 feet of the Embankment roadway. The building in this case presents a nearly unbroken façade following the curve of the Embankment road. The centre line of the building passes also through the centre of the landing stage which is midway between Waterloo Bridge and Hungerford Bridge.

2475. *Chairman.*] What is the width of your terrace?—About 40 feet.

2476. Lord *John Manners.*] Is this entirely on reclaimed land, or are there any houses?—By far the greater portion of the site is reclaimed land; the rest is occupied by the low buildings shown in outline merely. The buildings which you see shaded are valuable property on the high level, but all down below may be termed rubbish.

2477. Mr. *Layard.*] This plan, No. 1, does not contemplate touching, as far as the building is concerned, any of the valuable property behind the reclaimed land?—If the building were erected without the road at the back being taken into consideration, none of that valuable property will be touched.

2478. This building, I understand, occupies a space of about three acres?—The building itself, coloured red, occupies about three acres.

2479. And on either side you have gardens?—Yes.

2480. You are aware that upon this part of the Embankment site it is intended to construct a road which is to connect the bottom of Hungerford Bridge with Wellington-street?—Yes.

2481. Supposing such a building as you propose were erected, could you, if such a road were afterwards found to be necessary, provide for it?—Yes; a road might be constructed behind the building very much on the old line, kept on a slightly higher level, and then it might be carried on a viaduct, as the road was at first proposed, over the burial ground of the Savoy Chapel, and so join the Strand at the junction of Wellington-street.

2482. Therefore this building would, in no way whatever effect the question of the road, supposing a road were afterwards found necessary, except that you would have to purchase some valuable property on the high ground?—Yes, that is so; but this was not the scheme proposed by me in drawing out this plan; it was to avoid touching the Savoy altogether, and to make a means of communication with the Strand by way of Adam-street.

2483. By this plan, have you any access to the Strand by a foot or carriage-way?—Yes, by means of this road which connects it with the Strand, in the first place, by means of Adam-street, which is kept exactly as it is at present, with regard to levels, but which may be widened by the pulling down of some of the houses on the Adelphi-terrace side.

2484. What is the present width of that street?—I should suppose it is between 20 and 30 feet wide.

2485. It has been objected that a building erected upon the reclaimed land would be very low, and would not be of sufficient importance to render it really an ornament to the metropolis?—On the contrary, I suppose that the building would be placed upon a terrace, either as high, or very nearly as high as the terrace in front of Somerset House, which is 29 feet above the Embankment roadway.

2486. Therefore, as regards a fine architectural effect, you do not find any difficulty in constructing a museum according to this plan?—None whatever.

2487. Lord *John Manners.*] In the event of this

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this building being placed on piers or arches at the height of 29 feet above the Embankment-roadway, how high would it come in front of Adelphi-terrace?—The level of the ground-floor in each case would be three or four steps above the level of the street in front of Adelphi-terrace.

2488. What would be the distance between the back of the building and the front of the houses in Adelphi-terrace?—On the average it would be about 100 feet.

2489. How do you propose to carry this road, coloured brown, into Adam-street?—It would rise with a gradient of one in 32 from the Embankment roadway, coinciding very nearly with the level of the lower end of Villiers-street, and joining to Adam-street at its present level, so as to effect no existing level prejudiciously.

2490. How do you deal with that terrace now in front of the Adelphi?—We leave it as it is for about three-fourths of its length, and for the remainder pull down the balustrading in front of it, and unite the terrace with the new road.

2491. In your estimate do you allow anything for the possible compensation to the owners or occupiers of houses in the Adelphi?—No; I believe that has been gone into, but not by myself.

2492. *Chairman.*] What space of ground would you leave on each side for gardens?—About an acre on one side and three-quarters of an acre on the other.

2493. Mr. *Cowper.*] What is the use of that part of the proposed road which is east of Adam-street, provided you make a communication with the Strand by Adam-street?—I presumed that there might be a certain amount of traffic from the Strand to the Embankment, going eastward, though of course not so much as the traffic going westward, and that it would be desirable to have a considerable space between the building and any other buildings. This space might be as well appropriated to a road as to any other purpose, and such a street might, if desired, be easily connected with the river end of Cecil and Salisbury-streets, and the Savoy, because the roadway, as projected, happens to work into the existing levels of those streets.

2494. Mr. *Layard.*] There will be an access by Villiers-street, too?—Yes.

2495. Mr. *Cowper.*] Will you kindly explain what the communication will be from the high ground at Adam-street to the road?—We should communicate with the Embankment from Adam-street, behind the building, either to the left or to the right.

2496. Then I understand that the centre of the road being on the level of Adam-street, there would be a rapid gradient down there?—There would be a gradient, but not a rapid one.

2497. Mr. *Beresford-Hope.*] How would you deal with the line there (*pointing to the map*); would it be a vertical wall?—The retaining wall supporting the roadway above the garden on either hand should, I think, be stepped up.

2498. Presenting a vertical face to the Embankment?—Presenting a vertical face to the Embankment behind the gardens.

2499. Lord *John Manners.*] As I understand it, your plan would show several communications between the Embankment roadway and the Strand?—Precisely so; by the Savoy, Cecil-street, Salisbury-street, Adam-street, and Villiers-street.

2500. Will you explain a little more than you have done, how your proposed or suggested communication between Wellington-street and your new road at the back of the natural history museum would be accomplished?—I propose no communication between Wellington-street and this road further than that which exists at present; that very steep road between the Savoy Chapel and the Lutheran Chapel.

2501. I understood you to say that a road could be taken over that part (*pointing to the plan*)?—It would be simply doing what was proposed by the Metropolitan Board of Works, and which was abandoned.

2502. But that is not their present scheme?—Their present scheme is, I believe, to go through Lancaster-place, which would be as easy, only this roadway descending from Adam-street to the Embankment westwards would have to be given up, and from Adam-street we should have to rise very slightly up to Wellington-street.

2503. Mr. *Tite.*] Then, in point of fact, to carry out that plan, you would obliterate the view from the houses in Adelphi-terrace?—That would be so.

2504. And, of course, that could not be legally done without buying those houses?—I should think, as we are more than 100 feet from the houses, we could not destroy any of the needful light and air.

2505. Lord *John Manners.*] Have you, or has any other gentleman, made an estimate for the purchase of the houses shown in this line on the plan?—Mr. Hunt made an estimate of the value of the houses to the west of Adam-street, when it was thought, as we originally did, that the space chiefly below them would be the best place for a museum, but I believe that no estimate has been made for the purchase of the houses pointed out by your Lordship.

2506. Mr. *Cowper.*] Do I understand from this plan, that you have to purchase these houses marked blue that front the river between Adam-street and the Savoy?—That would only be in the event of this roadway being made, which is no part of the museum scheme.

2507. If the roadway is made, then it would become necessary to purchase all these frontages to the river, which are marked blue?—That is my notion.

2508. It would be necessary; you could not do it without?—No.

2509. Lord *John Manners.*] Unless the roadway is made, would there be any convenient access for the people coming from the north of London to proceed to the museum?—Yes; they might enter opposite the end of Adam-street; I think I ought to add to what was said before, that after all the projected street down from Adam-street to the foot of Charing Cross Bridge will be the most important, and at the same time will not affect the houses, whereas the street from Adam-street to the foot of Waterloo Bridge appears to me to be of secondary importance.

2510. Mr. *W. H. Smith.*] That is to say, the roadway from Adam-street westward will be made at very small cost, while the roadway from Adam-street eastward is of less importance?—Certainly.

2511. Mr. *Beresford-Hope.*] Do you adopt that curved line from the museum, because it would look best, or in order to coax the ground?—Because I thought it would look best; I think that a long building on this site should, as far as possible, conform to the line of the Embankment.

2512. This is a block-plan of several buildings, not

not one continuous building?—It is one continuous building.

2513. With the façade slightly curved, and not straight?—Yes.

2514. Mr. *Tite.*] As an architect you would think nothing of that?—I think the effect would be satisfactory.

2515. Lord *John Manners.*] What do you say as regards the entrances?—The entrances, as I thought, would be all on the Embankment level.

2516. *Chairman.*] You mean under the terrace?—Under the terrace, which would be 24 feet above the level of the Embankment.

2517. Mr. *Cowper.*] Will any portion of your building be over the railway?—In this scheme no, but I cannot say that the line of rails, as shown on this plan, is as now intended.

2518. But even in this, your plan touches the edge of the railway?—It comes within a few feet of it.

2519. Although not actually over the railway, the foundations would interfere with the railway, would they not?—I could arrange that they should not; that this wall should be carried down quite independently without at all affecting the permanent way.

2520. What are these steps which I see on the plan?—They lead up to the terrace from the Embankment.

2521. Mr. *Beresford-Hope.*] The terrace is only accessible to foot passengers from that building?—Yes, I so intended it; it would be only those who wished to enjoy the prospect that would care to go up these at all.

2522. The object of the terrace is to give a good basement to the building?—Yes; architecturally.

2523. Mr. *Layard.*] You might easily connect these streets with the building by bridges?—Yes.

2524. Mr. *W. H. Smith.*] This building will not act as any screen to the Charing Cross railway tube?—Yes it will; if you are standing under Waterloo Bridge you will only just see the great arch.

2525. Lord *John Manners.*] But when you go further westward how will it be?—Of course as you go further west and beyond the museum, the station roof developes itself.

2526. With reference to screening that tube, can you explain what will be the practical value of the building as suggested?—That you will not see the railway station at all.

2527. From where?—From the Embankment below Waterloo Bridge.

2528. But how far, 10 yards, 100 yards, or 1,000 yards, or what will be the actual space, that will be screened by this building?—The ground is all on a curve here, and what it does at one point it does not do at another; but I noticed under Waterloo Bridge that there would be only just the mouth of the station visible.

2529. Now, I want to ask a question or two about the railway; you bring your building close to the railway, although not actually over it?—Not actually over it.

2530. Do you propose to make your foundation as deep as the foundation of the railway?—Yes, either as deep as that or below it.

2531. Do you contemplate having an area between your building and the railway, or not?—No, not at the corner.

2532. Are you of opinion that your building will be quite secure from all vibration or annoyance of any kind, without the interposition of an area between it and the railway?—I should suppose so.

2533. Have you turned your attention much to the question of vibration or annoyance from the immediate proximity of a railway?—No; I cannot say that I have as yet turned my attention much to this subject.

2534. Would you be surprised to hear that in the opinion of some eminent scientific people it is thought advisable to take a precaution of that kind?—I should not be at all surprised, and I should think it desirable to take every possible precaution at that corner. The project is, I believe, to have a railway station here, and if the railway station be close to this point, I apprehend there will not be much vibration from the working of the trains.

2535. *Chairman.*] Have you been in communication at all with Mr. Fowler, the engineer of the railway, with regard to these plans?—I have not seen Mr. Fowler on this subject.

2536. Are you aware that there is an open space required here for ventilation?—Yes; I thought that difficulty might be overcome by taking the foul air up through the building and out at the top.

2537. Using your building as a ventilating shaft?—A small portion of it.

2538. But you have not communicated with Mr. Fowler?—I have not.

2539. Lord *John Manners.*] You have said that the plans submitted to us show a slight deviation in the authorised line of railway?—Yes.

2540. Can you tell us to what extent that deviation extends?—It is very slight. The line under the bridge is the same in each case, but coming eastwards my line, instead of following Mr. Fowler's, is shown a little out at one point, and a little further in at another.

2541. Is your line within the line of deviation?—I am not aware what the line of deviation is. I do not think it is shown on the plan of the Board of Works.

2542. How near is the line of your building to the authorised line of railway?—The authorised line of the railway comes under the building.

2543. How near is the proposed corner of the building to the proposed line of railway in your plan?—About 10 feet at the corner.

2544. Would that 10 feet give you sufficient width for an area?—I think it would.

2545. Mr. *Tite.*] It is only at that point where there is any pinch?—Only just at that one point.

2546. With reference to Adelphi-terrace, you think that your building would cut off the view of Adelphi-terrace, which is not a legal liability, but that it would not interfere with the light and air of Adelphi-terrace?—I do not think it could interfere with the light of the houses.

2547. The distance being how much, measuring at the narrowed point?—Ninety feet.

2548. Mr. *Cowper.*] What is the distance between the centre of your building and the railway, after it is deviated?—Fifty-five feet.

2549. *Chairman.*] And at the extreme end, how far is it?—Seventy feet.

2550. Mr. Alderman *Lawrence.*] Are you aware whether there is any building so near the Embankment wall proposed, in the whole line as this

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this building?—Somerset House is a parallel case.

2551. Is this the same distance as Somerset House?—About the same distance.

2552. Mr. *Layard.*] Now take No. 2 plan, if you please; will you be good enough to explain that?—No. 2 plan resembles plan No. 1 in most respects, except that the centre part is pushed back so as to give a more broken line of front and a garden in the centre; the roadway behind, in consequence, is thrown further back, and very valuable property is cut into. Adelphi-terrace would have to be purchased in this case, I believe, and the railway would have to be under one of the wings of the building.

2553. *Chairman.*] Is this the railway company's own line?—No; there is rather more deviation here than there is in No. 1 plan.

2554. Lord *John Manners.*] Why is that necessary?—Because I did not want the line of the railway to cut the line of the building obliquely—on the skew.

2555. Mr. *Layard.*] You would have more garden also?—Yes, there would be rather more garden in this plan.

2556. As regards the railway, it goes under part of the building, you say?—It goes under one wing.

2557. *Chairman.*] In this case I see that in the centre, instead of having your access to the building from the Thames Embankment roadway under the terrace, you have a footway leading from the roadway, with a flight of steps right and left, which lead you on to the level of the building to the terrace?—Quite so; and there would be an entrance there, either on the level of the terrace or on the level of the Embankment, whichever was preferred, and also one from Adam-street, at the ground-floor level.

2558. You have a terrace in front here; does that go through or under arches?—Yes, it goes under the arches, on either side of the entrance.

2559. So that the whole thing is a terrace, and a person could walk from one end of the building to the other?—Yes.

2560. Mr. *Layard.*] Which do you consider the best plan, architecturally speaking?—I think this (Plan No. 2) would be the most picturesque.

2561. Lord *John Manners.*] Has Mr. Fowler been consulted about this deviation?—Not by me.

2562. Mr. *Layard.*] Now take Plan No. 3; will you describe it?—This is another scheme very similar to the last, except that the building is divided into three blocks, with corridors on arches connecting the three together, and then the gardens in front would be connected with the gardens at the back by roadways under the arches, and there would be a flight of steps down to the garden on either hand of the central block from the street behind.

2563. Mr. *Gregory.*] That would be open underneath?—Yes.

2564. *Chairman.*] This one is more in conformity with Captain Fowke's plan than either of the other two, is it not?—Yes, inasmuch as his plan was cut up into blocks.

2565. And this also (Plan No. 2)?—Yes.

2566. Mr. *Layard.*] It occupies the same space, I suppose, about three acres?—Yes; they occupy all about the same space.

2567. And with reference to the architectural appearance, what do you say?—I think this would be almost better than plan No. 2, but it would be more expensive.

2568. Mr. *Beresford-Hope.*] Have you ever thought of the plan, with a view of masking the railway most completely, of putting a more square building at the western end, leaving the eastern portion more open?—We did think of that at first, but there seemed a great advantage in having the buildings comfortably placed, as it were, between the two bridges, and moreover even in the scheme for pushing the building as close as we could get it to the Charing Cross Railway, we never got it nearer than this plan shows it.

2569. Lord *John Manners.*] What is the height of your building?—The ground floor would be about 28 feet from the Embankment, and then the rest of the building, I think, would be about 70 feet high to the parapet.

2570. Mr. *Layard.*] About the height of Somerset House in fact?—Rather higher than Somerset House.

2571. *Chairman.*] Now what do you say with reference to plan No. 4?—This is a more ambitious and a more complete plan; the roadway would be about the same gradient as it is at present, but Adelphi-terrace is entirely swept away.

2572. I do not think we need go further into that, but we will go back to plan No. 1?—Very well.

2573. Mr. Alderman *Lawrence.*] Do you not apprehend, if the building is placed there, that as each train passes it will be heard throughout the building?—I should not think it would be heard throughout the building.

2574. Lord *John Manners.*] You have not paid particular attention to that subject?—It is very difficult to answer a question of that sort.

2575. Mr. Alderman *Lawrence.*] If you had simply to carry out your own views, would you not much rather prefer placing this building at a much greater distance from the Embankment?—It is so kept back on one of these plans; but I should say if it had been carried much further back, the space would necessarily be devoted to gardens and the trees would shut out the view of the building.

2576. You prefer having it further back than in the No. 1 plan?—I am not sure that I should.

2577. Does it not from the west end of the building leave exposed the whole of the ragged part of this old building towards the Embankment westward?—Yes; directly you pass through the bridge.

2578. As you proceed along to the Embankment, coming eastward, the building will not shut out from view all the old buildings?—Well, I thought it did; there would be very little left.

2579. Then this building will not be covered on this side, from the river, and only a small portion of the ragged buildings that at present exist will be completely screened?—True, but then the museums would occupy the principal portion of the space between the bridges and would be so important as to catch the eye in preference to what there might be unsightly behind or on either side of them.

2580. Mr. *Cowper.*] Now, in these three plans you have placed your building in the centre of the space between the two bridges; I presume with a view to its appearing in a symmetrical position to a spectator who would be on the river?—I thought the advantage in point of effect of its being placed somewhere near the roadway between

between the two bridges would be apparent to everybody.

2581. Taking the point of view of a spectator walking along the road, would it not produce as good an effect if it were placed, not in the centre, where you must purchase a great deal of very valuable property, but on the western end, where you have much more space, since a person taking up a position with his back towards Waterloo Bridge, would not be aware that the building was at all in a central position with reference to the lines of the existing building corresponding; there appears to be nothing like centrality, to a person on the roadway?—The building is placed immediately opposite the landing-stage, which is already constructed exactly midway between the two bridges.

2582. Is there any one point on the roadway where a man can, at the same time, see both the bridges?—Not on the roadway.

2583. *Chairman.*] Is there not in all these matters a sort of inner conscience as to whether a thing is clearly central or not?—In such a question there undoubtedly is.

2584. Mr. *Cowper.*] Is it not an entirely artificial assumption that the framework of your picture is to consist of these two bridges, when no one on the roadway can see those two bridges at the same moment?—I admit that from the roadway between the two bridges the advantages of a central position are less obvious, but I think that the effect from either of the two bridges of the building being placed centrally will be quite obvious.

2585. *Chairman.*] Is there not another point; a landing pier implies landing, does it not?—I believe so.

2586. And probably a great number of people will land at that pier?—I think so.

2587. If they land at that pier with their back to the river, and they look towards your building, as you have designed it, they will see the centre of that building exactly opposite to them?—Yes.

2588. And they will see to the right and left an equal distance of that building, and to a certain extent an equal amount of space on each side?—Yes.

2589. If, on the other hand, this building is squeezed up to the left, people standing in the same position with their back to the river would look, not at the centre of the building, but at the centre of the wing, or some other part, and then they would see most of these buildings away to their proper left, to use a military term, and a much larger space on their right than on their left?—So I have always thought.

2590. Therefore, to any person standing there or landing, it would have a most lopsided appearance?—Certainly.

2591. Mr. *Cowper.*] But assuming that, instead of taking the landing-pier as the centre of the place to be dealt with, you take it as the eastern extremity, and take the space for building, bounded on the east by the landing-place, and on the west by Charing Cross Bridge, would you not be able then to place the building at the spot so assumed without the expensive destruction of a number of buildings which are to the east of Adam-street?—I believe there would be almost room to get the building in the position you indicate.

2592. *Chairman.*] But would there be quite room for it; it all turns upon that?—(*After measuring upon the plan.*) No, we could not get it in.

2593. You could not get it in even by taking it right up to the pillars of the bridge?—I have not taken it quite up to that; I have left about 30 feet.

2594. Does that leave room for your roadway?—No.

2595. Mr. *Cowper.*] On the other hand, would you not get a greater depth of building in that position than where it is now?—You might get a rather greater depth from front to back, particularly at the western end.

2596. Mr. *Tite.*] How are you to get the roadway?—In such case we could not have a roadway.

2597. *Chairman.*] You have had in view, I presume, to a great extent, this point which has been raised, that unless there is some public building to act as a screen, the public on the roadway would be left, as regards this building, to the chance creation of private speculation, which may or may not be ornamental?—Quite so.

2598. Your object is to have, as far as possible, a screen between this building and the railway?—Yes.

2599. And if this building were to be, as suggested by Mr. Cowper, transferred from a central position further westward, all that lies to the eastward, beyond the part where the building ceases, would be left, as I have said, to the chance creation of private building speculation, which would be totally unscreened on that side?—So I feared; that instead of a well-balanced composition, we should have an unsightly arrangement.

2600. Mr. *Beresford-Hope.*] Will you look out of the window, where you will see St. Thomas's Hospital, taking that as a datum point, how much further back would the building be from the Embankment than that hospital?—I believe the hospital comes right up to the Embankment; therefore this building would be about 40 feet back.

2601. Taking it from the water to the most prominent face?—I should say 100 feet further back than St. Thomas's Hospital.

2602. Mr. *Cowper.*] Suppose the building were erected much closer to Charing Cross Railway than is now proposed, would not Adam-street well supply the communication to the Strand?—It might be moved 100 or 150 feet nearer the railway station, and still retain that communication.

2603. *Chairman.*] You have not given us an estimate of the cost of this building; have you made any estimate of it?—I have; I apprehend plan No. 1 would cost 582,000 *l.*

2604. Did you hear Mr. Cole's datum for estimates?—I think I heard him mention 1 *s.* per cubic foot as his datum.

2605. Is your estimate about that rate?—Some of the work is estimated at more, and some at less.

2606. What does that total of 582,000 *l.* include?—The building, terraces, and steps.

2607. And the garden?—Not the garden.

2608. And no roadway?—Nor the roadway.

2609. Have you calculated what the addition of the garden would be?—It would be very trivial, but I have not gone into it.

2610. What would be the roadway?—I have not gone into that question.

2611. This is the cost of building: there is no question of compensation for damage done

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to houses, or any question of compensation for the vaults, or whatever they may be?—No.

2612. Now, take plan No. 2, and give us the same estimate, applied in exactly the same way to that plan?—That is 697,000 *l.*

2613. That is exactly on the same basis as the first?—Yes.

2614. That is to say the gardens are not laid out there either?—The gardens are not laid out; it is simply the building work.

2615. Now, take plan No. 3; what is your estimate for that?—That is 694,000 *l.*

2616. Mr. *Beresford-Hope.*] That is 3,000 *l.* cheaper than plan No. 2?—Yes; there is a little difference in size, but of course these are merely rough estimates.

2617. *Chairman.*] I think you said an estimate had been made by some one as to the purchase of the buildings?—Mr. Hunt made an estimate as to the cost of the property here, and the amount of compensation which would be likely to be required for removing some of this property.

2618. No one has made an estimate, that you are aware of, as to the cost of purchasing this property?—I believe nobody has.

2619. Mr. *Cowper.*] Will you just give us the number of square feet covered by the building?—My design for the South Kensington building amounted to 132,000 superficial feet; and for the building on the Embankment, according to plan No. 1, it would be 133,000 superficial feet; according to plan No. 2,148,000 superficial feet; and plan No. 3 the same.

2620. Lord *John Manners.*] Can you tell us what your estimated cost of the building at South Kensington was?—That was 495,000 *l.*

2621. Therefore the building at South Kensington would be about 100,000 *l.* cheaper than any of these three plans?—Yes; roughly speaking it would be.

2622. Mr. *Beresford-Hope.*] Not 100,000 *l.* cheaper than plan No. 1?—Plan No. 1 amounted to 582,000 *l.*; the increase of cost, of course, results from the much greater depth that we shall have to go for the foundations and sub-structure upon the river site than upon the other.

2623. You account for the difference by the necessity in the one case, of going very deep for your foundations?—Yes; and for the necessity, architecturally speaking, of a sufficiently high platform.

2624. May I ask whether that would apply, in your opinion, to any public building erected on the line of the Embankment?—That is my impression, but I apprehend that, to speak definitely on the subject, one would have to make observations.

2625. *Chairman.*] Have you ever constructed a building on this site?—No.

2626. Or at Kensington?—Yes; I know very well the ground at Kensington.

2627. But you do not know the Embankment?—No.

2628. Mr. *Cowper.*] Is a large portion of it owing to the basement which it is necessary to place there, in order to enable persons to see the building to advantage?—The expense is involved in two ways: first, the depth of the foundations, which I apprehend will be necessary; and, secondly, the height to which it will be necessary to raise the building above the Embankment, in order to secure an adequate architectural effect, and that space above the Embankment will, of course, be made use of.

2629. *Chairman.*] On this plan (No. 2) the terraces are separate and disjointed; there is no continuous terrace?—No, there is not.

2630. If desired, could that be done?—Yes.

2631. Here is a terrace with no mode of access to it (*pointing to the plan*)?—That would be approached from the building.

2632. Mr. *Cowper.*] Supposing it were possible to obtain a site on the high ground, by the purchase of the houses which now stand between the Embankment and the Strand, should you not be able to produce a better architectural effect by building on the high ground, rather than on the low level?—Seen from distant parts of London, of course there would be a great advantage gained by putting the building on a higher level, but I doubt very much whether, taking it as a part of the scheme of the Embankment, the effect would be improved by making it further from the roadway.

2633. *Chairman.*] What is the width of your terrace in plan No. 3?—I think 30 feet.

2634. At the wings?—Yes.

2635. Mr. *Beresford-Hope.*] But less in the centre?—Less in the centre, of course; there is no reason for that except that it was made just the width these towers would project.

2636. *Chairman.*] They might be as broad as you like?—Yes.

2637. Mr. *Beresford-Hope.*] Can we take that perspective here, as the general idea of plan No. 3, *mutatis mutandis*?—To a certain extent you might; supposing you were to reject this block of buildings at the back, you might assume that that perspective of Captain Fowke's building would be something like the effect of the group shown on plan No. 3.

2638. Mr. *W. H. Smith.*] Connected with the corridors, I suppose?—Yes.

2639. Mr. *Beresford-Hope.*] In preparing these designs, do you consider yourself bound to carry out the general notion of Captain Fowke, or have you arranged these plans entirely on your own idea?—First of all, I considered myself bound to carry out Captain Fowke's design, but when the matter was referred to the British Museum, and Captain Fowke's arrangements were found to be so far from what the trustees wished to have, it became necessary to re-model the interior, and to a certain extent the exterior with it.

2640. Then you consider that, morally speaking, the Office of Works and yourself are absolved from the debt to Captain Fowke's memory?—I suppose the Office of Works do feel that they are, because it would be impossible to carry out his plan.

2641. It has come back then to the ordinary condition of a building proposed on a site which is dropped, and you put a fresh building on a fresh site?—Yes; and to suit fresh requirements.

2642. Mr. *W. H. Smith.*] You said just now that the cost of the building on the Embankment would be, speaking roughly, 100,000 *l.* more than that at South Kensington?—Yes.

2643. But your design for the building on the Embankment involves a basement which is not given in South Kensington; is not that so?—Not altogether so; at South Kensington there would be a basement of about 15 feet in height, but on the Embankment there would be a basement of about 30 feet in height.

2644. That, of course, would amount to a much more useful basement than the basement at

at South Kensington; it would amount virtually to another floor?—It would.

2645. Mr. *Alderman Lawrence.*] Did I understand you to say that the line you have taken is the line of the building of Somerset House, not the line of the terrace, but of the building?—The line of the building; there would be a terrace in this case similar to the terrace in front of Somerset House, and then the building would be set back, as Somerset House is set back.

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2646. No part of the building would come forward nearer the river than Somerset House?—I believe that in no case does it come up to the Embankment wall, nearer than Somerset House does.

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2647. *Chairman.*] I BELIEVE you are Churchwarden of St. Paul's, Covent-garden?—Yes.

2648. Are you aware that a petition has been presented to Parliament with reference to the approaches from the Strand, from the direction of Covent-garden to this Embankment roadway?—Perfectly.

2649. That petition, as far as I gather from reading it, is mainly with reference to a foot access, is it not?—Yes, a foot access.

2650. I suppose, if it were known that there would be no difficulty about foot-access from that part of the Strand to the roadway, there would be no objection on the part of the inhabitants of Covent-garden to the erection of a museum on that ground?—I am not quite sure of that. The understanding that exists with respect to the Embankment is that there should be no buildings whatever upon it. When I say, "the understanding," I mean, of course, the understanding of the public.

2651. That is provided for by the Act of Parliament?—Yes, by the Act of Parliament, and there is that understanding.

2652. Would the inhabitants of Covent-garden object to that understanding being departed from?—I do not think the inhabitants of Covent-garden would be by any means alone in an objection of that kind.

2653. Who would be with them?—I think the metropolis generally, in every part.

2654. Would you yourself be opposed to it?—Certainly I should.

2655. On what ground?—Because I wish to have as much open space as I can without being encumbered with buildings.

2656. Then you would think it better to have this site occupied by a roadway slanting diagonally across it?—I should have no objection to that, because the roadway would only interfere with it for a very short distance.

2657. It would interfere with it for its whole length, would it not?—The idea of it would be nothing, except as a roadway.

2658. Whatever the breadth of the road is, it is taken out of this open ground?—Yes; but I would prefer having an approach in that way from the Strand.

2659. But that is a question of approaches; we were talking of the question of the open ground: you think that, with a view of having open ground, it would be worth while to sacrifice a portion of it which is required for this roadway?—I think so.

2660. Which, according to the Act of Parliament, is to bisect it diagonally?—Yes.

2661. I gather from your evidence that individually you are opposed to any building upon that ground?—Yes.

2662. But you appear here on the question of approaches?—Yes; we have no approach from the northside whatever.

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2663. And your petition was in favour of approaches for foot passengers?—Well, we did not go into that question officially, but it is simply this, that we shall have some sort of access to the Embankment which we have not now, of a character of which we can avail ourselves.

2664. Then your petition would be perfectly satisfied if there are ample approaches for passengers by foot from the Strand to the roadway?—Well, I am not quite sure that I would go so far as that, because we have a very strong feeling in favour of that viaduct. We were quite satisfied with the original proposition.

2665. You have not petitioned in its favour?—The petition does not state that, but we go upon the question of approaches.

2666. The petition, I think, refers to foot approaches?—Well I do not think it can bear that exact inference.

2667. I will read the petition: "That whereas the question of the projected viaduct from Lancaster-place to the bottom of Villiers-street has been referred to a Select Committee of your honourable House, and whereas the Metropolitan Board of Works have declared their indifference to the question, and whereas your petitioners apprehend that the projected viaduct may be abandoned, your petitioners therefore humbly represent to your honourable House, that in this case great inconvenience will result to your petitioners, and to the inhabitants of a large part of the metropolis on the north of the Strand, who will be deprived of the advantages which they are entitled to expect for the ready use of the Embankment, both as a thoroughfare and as a place of healthful recreation for their families:" that is a question of the healthful recreation of their families which would not be affected by that viaduct?—It would be affected by the building and by the viaduct also, because the roadway leading from Lancaster-place towards Charing-cross, would be on an incline, and would be as fine a promenade as we have within a mile of our locality. That small incline would form a very nice promenade indeed, independently of the access to the Embankment.

2668. "Inasmuch as there will be no access to the Embankment by a public thoroughfare from the Strand for the long distance between Norfolk-street and Villiers-street, both of which are themselves small streets, and the latter especially narrow, mean, and already much crowded with the traffic of the Charing-cross railway station and the Hungerford foot-bridge, the only other access from the Strand, during this distance, being liable at any time to be closed to the free use of the public, and at all times adapted for the use of foot passengers only, viz., the steep and narrow stairs at the northern end of Waterloo-bridge, which are usually in a foul condition"; are you aware that under the Act there is a power of closing the streets that lead on to the Embankment?

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ment?—Yes, the Marquis of Salisbury has that right with regard to Cecil-street and Salisbury-street.

2669. So that as things now stand this viaduct will be open, but the streets laterally will be closed?—The opening of the side streets is quite unimportant, because the streets themselves are inconvenient as approaches; they are narrow, and the pavements are very narrow.

2670. They are not inconvenient for foot passengers?—I do not know that, because two persons can scarcely pass on the foot pavements, they are so narrow.

2671. But practically there is no carriage traffic on those streets, therefore you may say that the whole street is available for foot passengers, is it not?—Well, people do not generally like to walk upon paved surfaces; I should not like to walk in the middle of the street.

2672. Have you ever been abroad?—Yes.

2673. Have you looked at this plan (*referring to a plan*)?—I have heard of it, but I have not looked at it.

2674. As a dweller in Covent-garden, fond of recreation, and evidently appreciating the beauties of the metropolis, do you not think that that plan would be preferable to having the ground laid out in ornamental gardens, as is proposed with this slanting road?—I must say I do not fall in with that. I have heard all the evidence that has been given by Mr. Waterhouse, and all the evidence which has been given by the other gentlemen this morning on the subject, but I do not fall in with it.

2675. It is just a matter of taste?—It is something rather more than taste, I think, and I think I shall have a good many on my side in that opinion, that it would be much better to let the museums remain where they are, or carry them elsewhere, than to bring one of them to the banks of the Thames, just where we are looking for a breath of fresh air.

2676. Will you have no fresh air from the river when this building is opened?—The whole of the space will be encumbered with buildings, and we have buildings enough in that neighbourhood already.

2677. But you see, according to this plan, it is not encumbered with buildings?—I hear that this involves a building in front of Adelphi-terrace. I presume it is known what are Captain Drummond's rights with respect to Adelphi-terrace; indeed, I think the Embankment Act states them: that no building shall be made to interfere with his view of the river.

2678. Then the substance of your evidence is, that you wish this roadway to be made; that you think a museum there would be very undesirable; that the museum had better be transferred to Kensington, instead of being placed here; and you think, with reference to the recreation of the people and the ornamentation of the metropolis, it would be better to have this land so reclaimed utilised in the way proposed by the Act of Parliament, by a roadway being made, and being laid out in garden-ground of some sort or other, in preference to the plans which have been laid before the Committee by Mr. Waterhouse?—That is the substance of my opinion.

2679. Mr. *W. H. Smith.*] You see that plan; that is the original plan (*pointing to a large plan on the wall of the Committee-room*)?—Yes, I recognise it.

2680. It was intended to put buildings on the other side, according to that plan; do you approve of that suggestion?—I approve of the original idea of having no buildings whatever upon the Embankment, because we have quite enough buildings about there already.

2681. *Chairman.*] I will ask you one question with reference to these plans: you observe that all of them, Nos. 1, 2, and 3, as described by Mr. Waterhouse, are so laid out that they would admit of a roadway communication being made between the Embankment and the Strand, in the rear of the building?—I did not so understand that. I suppose it is between this part (*pointing to the plan*) and Lancaster-place.

2682. Not there, but down Cecil-street?—But that is the Marquis of Salisbury's property, and there are his rights to be consulted.

2683. You must not assume that: that may or may not be; of course those legal private rights will have to be dealt with, but I am asking you irrespective of any question of private rights, as this plan is laid down you will observe a roadway is proposed to go round the back of this building on both sides?—Yes.

2684. Where does Covent-garden come; is it opposite Cecil-street or Adam-street?—Opposite Cecil-street to Wellington-street.

2685. So that a person in Covent-garden, according to this plan, would be able to get on to the Embankment roadway opposite this building at the end of Cecil-street; if he wished to go to Westminster-bridge he would turn to the right, and if he wished to go to the City he would turn to the left. As at present that is designed, it would give a more direct communication, would it not, between Covent-garden and the Embankment than the diagonal roadway for which you have petitioned?—No, my Lord, I think not; and, besides, we should be behind the buildings.

2686. You have just stated that Covent-garden is opposite Cecil-street?—It is opposite the part from Cecil-street to Wellington-street.

2687. This communication is directly opposite Cecil-street in the other case. You are an inhabitant, and want to get to the Embankment to go to Westminster-bridge, and if you are to go along the Strand until you come to Wellington-street, you would turn down Wellington-street until you come to the opening of this Parliamentary roadway?—That admits of some question, because Covent-garden lies here (*pointing to the map*).

2688. But you observe what I am calling your attention to, that these plans all contemplate, if it is found to be necessary, the formation of a roadway which will give, not one, but several approaches from the Strand to the Embankment?—I think I understood that there was a communication with Adam-street.

2689. Adam-street, Cecil-street, and some other street here besides Villiers-street, and those other streets leading down there?—Adam-street is 50 feet above the level.

2690. You did not, I think, quite understand Mr. Waterhouse's evidence, which is that this roadway is to be brought up to the level of Adam-street?—Then it would be 20 feet above the level of Cecil-street.

2691. Mr. *W. H. Smith.*] You see this is the summit level of the Embankment here, and it will rise to that point, and then descend from that point (*referring to a plan*)?—But what descent will it be there; it will be about 100 feet down

down to these streets, and there is at least 30 feet difference in the level of those two streets.

2692. *Chairman.*] It is so laid out; I merely tell you the fact that this roadway gives these several communications, whereas, according to the roadway of which Covent-garden is in favour, there would be no lateral communication with the Embankment roadway at all from the Strand, but you would have to go along Wellington-street before you could get on to it at all; and then any person there wishing to go on to the Embankment to get under Waterloo-bridge, would have to drive round by Charing-cross-bridge; so that, practically, I think you will see that, as regards the convenience of access, this plan would be a greater convenience, and the access from Covent-garden 1,000 to one better than your own present plan, of which you are in favour; therefore your objection would resolve itself into a question whether this ground is occupied by buildings or left unoccupied?—I am not by any means convinced with regard to that matter, I confess; when I look at these very streets, Adam-street, Cecil, and the other street, and find them varying so much in levels, and a distance of not more than 50 feet between one and the other, that plan appears to me to be altogether impracticable.

2693. Mr. *Cowper.*] The vestry of St. Paul's, Covent-garden, who have petitioned against the abandonment of the viaduct and roadway, have done so upon the plea that they wished to have that access to the Embankment, both as a place of recreation and as a thoroughfare. Will you state on what ground it is that they are so anxious to have all this reclaimed land preserved as a place of recreation? Do they expect that great numbers of people will resort to it as a place of recreation?—We have not a breath of fresh air within a mile of us, and we supposed that when this Embankment was proposed, we should get some. We were quite content with the charges that came upon us. By the by, they are not much, but we have had before us the viaduct plans from the beginning, and we have had now the change. We find that the first plan cannot be carried out; we are quite content with the second, and we are satisfied that so far as a healthy promenade is concerned, we shall have a very much better one with the viaduct than without it.

2694. Supposing your plan of recreation be taken away from you for the purpose of erecting a museum of natural history, should you be satisfied with the exchange?—Certainly not, because we have the British Museum within about the same distance in the other direction.

2695. Then you think that a museum, instead of being placed on the ground reserved for recreation, should be placed on some other spot which is not of use for the recreation of the metropolis?—Any other spot than that.

2696. You have been asked whether you do not think the recreation ground would be diminished by the road which was to pass along it; are you of opinion that that road would be a portion of the open space and of the recreation ground, and would rather facilitate the convenience of the public in enjoying that space than otherwise?—I was going to observe that a large proportion of this viaduct would pass through land which is now covered with houses, besides a portion of the reclaimed ground; you will observe that the roadway does not strike the reclaimed land until it comes to the end of Cecil-street, or opposite the end of Cecil-street, so that this, in point of fact, will be no invasion of the reclaimed land until it comes on to an embankment about 15 feet or 20 feet high, diminishing to zero.

2697. Upon that model it appears that the green grass is to slope by a gradual descent from the roadway on each side; would not the roadway be part of the recreation ground?—If you chose to make it so; I only speak of a pavement 12 feet or 15 feet wide on each side, which would afford a very healthy and nice promenade, nothing intervening, between that and the river.

2698. In laying out the recreation ground there must be some gravel-walks for persons to pass along; may not those gravel-walks be as well placed by the side of the carriage-road as in any other part of the ground?—You may place them where you please, because I presume if we had a carriage-road we should also have a paved pathway by the side of it.

2699. Then you do not consider that the roadway is a diminution from the recreation ground, but a part of it?—No, I do not think it would be a diminution at all; I think it would be utilised, especially as it would afford an opportunity of communicating between the Strand and Westminster, without going round the western part of the Strand.

2700. Do you think that of importance to the convenience of the public as a thoroughfare?—Well, probably I am not called upon to give an official opinion upon the matter, but my private opinion is that it is of importance, and it would be exceedingly useful; but I think no great weight can be attached to my opinion upon that subject.

2701. Mr. *W. H. Smith.*] You quite understand that if this land is appropriated for the purpose of a natural history museum, there would be a great gain to the ratepayers of the metropolis in the amount they will have to pay for it?—The land being paid for by the wine and coal dues, it will make no difference whatever what the proportion is.

2702. Then, in giving your evidence as to the appropriation of this land, you have been under the impression that the ratepayers of the metropolis will not be benefited by the erection of a public building upon it?—I think not; I am of that opinion.

2703. That there will be no repayment to the ratepayers of the metropolis of the cost of this land?—I think not.

2704. We have it in evidence that the road will cost 230,000 *l.*, and we also have it in evidence that the value of land varies from 100,000 *l.* an acre to 150,000 *l.* an acre in this part of London for the purpose of public buildings. Now, assuming that the scheme which is now before the Committee will save the metropolis the cost of the road, which is 230,000 *l.*, and that it will involve a payment to the metropolis of the usual cost of land for the purposes of public buildings, which may be taken at 100,000 *l.* an acre, or say for three acres 300,000 *l.*, taking the cost of the road and the cost of the land together, the contribution of half a million of money towards the improvements of the metropolis that must be made, and which will come out of the ratepayers' pockets, are you still prepared to say that in order to reserve the whole of this land for the purposes of recreation and fresh air, as you term it, it would be better that the metropolis should forego

Mr. *W. Hooper.*
3 May 1869.

forego the half-million sterling to be contributed in this way to the fund for improvements?—I think you are putting side by side what comes from the Treasury and what really comes from the metropolis. Now we do not pay all the taxes; we pay a good many, but not all, and a large proportion of this 300,000 *l.* which you speak of which would be paid for land elsewhere would be paid by the Treasury.

2705. The whole of the cost of this improvement; the roadway, which is 230,000 *l.*, will come out of the purely metropolitan funds?—The cost of the viaduct will come out of the metropolitan funds beyond all question, but it will only be a prolongation of the wine and coal duties, because the wine and coal duties will be continued until all the expenses attendant on the Embankment are paid.

2706. You are very well aware that you, as a ratepayer of the metropolis, and those who follow you, will have to pay these charges, and if by saving the making of this road you can economise an expenditure of 230,000 *l.*, and receive for the ground on which the building is erected, say 300,000 *l.*, will that alter your view of the expediency of the appropriation of this ground for public purposes?—Not at all; besides, with respect to receiving it, I do not know who is to pay it, or how we are to receive it.

2707. Mr. *Cowper.*] Does not the money which will be spent in making this roadway come from the fund that is called "The Thames Embankment and Metropolis Improvement Fund"?—It comes from the wine and coal dues.

2708. Does not that fund arise from the coal and wine dues?—Yes.

2709. Supposing the Metropolitan Board of Works are relieved from the necessity of expending the sum estimated at about 230,000 *l.* in this way, out of the coal dues, have you any expectation that that money will be spent in relieving the expenditure from a totally distinct fund, namely, that fund which arises from the payment of the metropolitan rate?—Not at all; the money will simply not be spent, and that is all.

2710. It may or may not be spent in other metropolitan improvements which will not be provided for by the metropolitan rate?—No; it may not be spent at all.

2711. *Chairman.*] At any rate, if these coal and wine dues have to be kept on for the purposes of the Embankment, for a certain time, they are a tax on the inhabitants?—They can only be kept on a year or two longer.

2712. At any rate, during this year or two while they are kept on, they are a tax on the inhabitants?—Yes.

Mr. Edgar A. Bowring, C.B., a Member of the House; Examined.

Mr. *E. A. Bowring,* C.B., M.P.

2713. *Chairman.*] You were Secretary to the Commission of 1851, were you not?—I have been Secretary to the Commissioners ever since February 1850.

2714. And are still?—On my election as a Member of the House of Commons, I placed my resignation in the hands of the Commissioners, but the necessary arrangements for my retirement have not yet been completed, although they will be shortly. Therefore at this moment I still hold the office of secretary.

2715. We are anxious to know from you the exact position of this ground which was purchased, after the Exhibition of 1862, by the nation; I mean the land where the Exhibition building stood?—The Committee are aware that when the Government originally negotiated with the Commissioners for the purchase of that piece of land, there was a building upon it; the intention of the Government then was to buy both the land and that building, which they meant to turn into a building for the purposes of science and art. The House of Commons discussed the two matters separately: first, the question of buying the land; and, secondly, the question of buying the buildings upon it; the House of Commons declined to buy the buildings, but agreed to the purchase of the land from the Commissioners, subject to the conditions stipulated for by the Commissioners, those conditions being that the land which was worth about a quarter of a million sterling, and certain buildings of the value of nearly 30,000 *l.*, which still remain there should be permanently applied to purposes of science and art. The Commissioners felt that as this land was subject to a very heavy mortgage, they would not be justified in making a present of it to the nation, but they felt justified in letting the Government have it at a price very much below its value.

2716. What proportion did the buildings bear to the land?—These were not the Exhibition buildings at all, but the refreshment-rooms of the Exhibition; the Commissioners kept in their own hands the central portion of those refreshment-rooms, and sold the Government the two side ones. In round numbers the value of the whole was put at about 50,000 *l.*, of which we retain about half, and the Government had about half.

2717. The central part is now the property of the nation?—The central part of the old refreshment rooms is now the property of the Commission; the two wings were thrown into the purchase on the part of the Government.

2718. These buildings you valued at how much?—280,000 *l.* for the land and buildings together.

2719. And you sold them at how much?—120,000 *l.*; and the arrangement was embodied in a formal deed of sale, which I hold in my hand, in which there is this clause: "Provided always, nevertheless, and it is hereby agreed and declared, that the said lands and hereditaments hereby conveyed shall be permanently used for a purpose or purposes connected with science or the arts." The Commissioners felt it necessary to impress upon the land the same kind of general condition with reference to its permanent employment for the promotion of science and art, as that for which they were themselves incorporated.

2720. The nation was unfettered as to the mode of applying this land, subject always to the conditions of its being applied to the purpose of science and art?—Precisely.

2721. According to that the nation is wholly barred from disposing of the land for any other purpose than the purposes of science and art?—Entirely.

2722. I presume that the Commission would have a right to judge whether it was a *bonâ fide* purpose

purpose of science and art to which it was desired to apply the land?—Clearly.

2723. Do you know whether the Commission would be willing to take that land off the hands of the nation?—That matter has not yet been discussed by the Commissioners in any official way, and of course I am not in a position to commit them on the subject; until last autumn it was understood that this land would be employed for the purposes for which it was originally purchased, one of those being the erection of a natural history museum; and the late Government, previous to its retirement from office, was in communication with the Commissioners upon the subject. Now we understand there is a question raised before this Committee of giving up that scheme altogether, and of employing some other ground for the purpose of the natural history museum, in fact, to transfer it to the Thames Embankment.

2724. It has been stated in evidence by Mr. Cole that the Commissioners still retain in their own hands these strips of land which border the Horticultural Gardens on each side?—What we called the annexes to the old Exhibition; those are still the absolute property of the Commissioners.

2725. Have the Commissioners, in consequence of the intention of the Government, as generally believed, to erect a natural history museum on this site, which they had purchased from the Commission, laid out that annexe ground in any way as part of a general plan?—They felt their hands very much tied by the long-continued indecision of the Government and Parliament on the subject. The land has been in the possession of the Government for five years, and no single step has been taken, therefore the Commission has been very much hampered in knowing how to deal permanently with the rest of their land.

2726. There is no definite plan at present?—A plan has been brought under their consideration, which probably they will be discussing next week, but at the present moment I cannot say that there is any plan which I am in a position to bring under the notice of the Committee.

2727. Do you consider that that land has risen in value?—Very greatly.

2728. Has it risen in value since the sale in 1862?—It is constantly rising in value, year by year; in fact, the whole of the land in South Kensington is constantly rising in value.

2729. And you reckon that the land which you retained in your hands, that was used for the purpose of these annexes, has risen in value since 1862?—Unquestionably.

2730. That is the part coloured green, outside the Horticultural Gardens?—All the part so coloured is in the hands of the Commissioners; a portion of it is let to tenants, who can be dispossessed at any time.

2731. Lord *John Manners.*] In the event of the Government deciding not to build a new museum on ground at South Kensington, what will be the opinion of the Commissioners as to the engagements entered into between them and the Government, to devote that ground to the purposes of science and art?—As the Government are not bound to put this particular building, the Museum of Natural History, on that site, of course their view will depend somewhat on what the Government intend to put there instead; originally there was a scheme that a patent museum was to occupy a part of the site, and the Government might propose to put that there, or some other building connected with science and art; as long as they do that, the Commissioners are not in a position to raise any question; but if the abandonment of this scheme for a national history museum is to imply that the Government have no longer use for this land, it will be a serious question for the Commissioners to consider whether it will not become their duty to enter into negotiations with the Government as to the use of the land.

2732. *Chairman.*] There is no stipulation as to the use of this ground with reference to any time?—No; except that it is provided that it is to be permanently used, which does not mean that the Government shall keep it lying entirely idle, as it is now.

2733. I suppose there is nothing to prevent the Government taking a lesser portion of these 16 acres, applying that to science and art, and offering the remainder to the Commission?—I apprehend there is nothing to prevent such a negotiation being entered into.

2734. Lord *John Manners.*] In the event of such a negotiation being entered into, the Commission would not feel it to be equitable that they should be asked to pay any higher price for the land than that at which they sold it to the Government?—I consider the Commissioners would then be relieving the Government from a difficulty by taking back a certain portion of the land and repaying the Government the price they paid for it.

2735. *Chairman.*] What do you consider is the rise in the value of land there since 1862?—We sold this by the acre, and we now always estimate it at so much per foot frontage; it was estimated then at so many thousand pounds per acre.

2736. Have you made any sales since then?—There have been no actual sales since then, except of the small freehold plots on which the houses stand. The price of those plots is not in proportion to the acreage, but in proportion to the ground rent of each house.

2737. Mr. *Cowper.*] Supposing the Government were to determine that it is not desirable to spend the public money on this ground for the purposes of science and art, but were to restore it to the Commissioners of the Exhibition of 1851, would those Commissioners be still under the necessity of using the land, so far as they used it at all, for the purposes of science and art?—The Commisioners are not bound to employ any portion of their land directly for science and art purposes.

2738. They would be free with reference to the use of the land, or they might sell it just as they thought best?—According to their discretion, clearly; they have already disposed of their outlying land on building leases.

2739. The obligation would simply rest on them that whatever funds they obtained from the land should be employed for the purposes of science and art?—Precisely.

Mr. Edward Creasy, called in; and Examined.

Mr. *E. Creasy.*

3 May 1869.

2740. *Chairman.*] You are, I believe, Secretary to the Metropolitan Board of Works?—Yes.

2741. Will you state to the Committee what powers the Board possesses with regard to opening communications with the Embankment between Essex-street and Westminster-bridge?—Under the original Act the Board possesses certain powers of communicating with the Embankment roadway which have since been altered by the Act of 1868, which now governs the Metropolitan Board of Works, that is, the 31 & 32 Vict., c. 3; it is called "The Thames Embankment (North and South) Act, 1868." The first point at which a communication has been considered is one which I believe your Lordship is acquainted with, nearly opposite the end of Charles-street and adjoining Whitehall Club; that, as I believe you are aware, is now under the consideration of the Board.

2742. The land between that club and the roadway, I see, is now clear of buildings?—It is clear of buildings, but is the property of the Board.

2743. How do the Board now propose to deal with that?—That is now under discussion as to the advisability of opening a roadway to Parliament-street through that piece of land.

2744. I have heard it stated, that, in order to make the traffic at the corner of Westminster-bridge really possible, it will be necessary that traffic coming along the Embankment roadway and going to the House of Commons, or going along Victoria-street, should be diverted in that direction?—Precisely; that is the allegation in the memorial which is now before the Board, and which they are now considering.

2745. Is that a memorial from the police?—No, from the district board.

2746. You consider that some lateral communications between Parliament-street and the new roadway will be indispensable at that part?—The Board are now considering that, and they are collecting evidence to see whether that is the best point, and whether it is advisable, and so forth; the question is now under consideration. The next point is Richmond-terrace; but that cannot be extended on to the Embankment, because the Crown property intervenes between it and the Embankment roadway, and under a clause in the Act of 1868, as in all these Acts, the Board are prohibited from taking any of the Crown land without the consent of the Commissioners. The next point is Scotland-yard; no communication could be made there by reason of the restriction contained in the Act for the protection of the property of the Duke of Northumberland.

2747. Lord *John Manners.*] You have passed over Whitehall-place?—Whitehall-place the Board are already carrying out; steps are being taken to carry that out; that is part and parcel of the plan which you see coloured red.

2748. *Chairman.*] Now we come to Great Scotland-yard; there you are barred by what?—By Section 9 of the Act of 1868 "the Board shall not take under this Act any land of the Duke of Northumberland, his heirs, sequels in estate, or assigns, other than land which they were authorised to take under the Embankment Act of 1862, except so much of the piece of land numbered 17, in the parish of St. Martin-in-the-Fields as lies within the limits of deviation shown on the amended deposited plans"; and the same restriction applies to Northumberland-street.

2749. Is that always a restriction in favour of the Duke of Northumberland?—Yes; precisely the same clause.

2750. Now, with regard to Craven-street; there is no communication at Craven-street, is there?—Yes, Craven-street is provided for; we have power with regard to the extension of Craven-street, and the Board intend exercising that power under Clause 28 of the Act of 1868.

2751. That in any case you are going to do?—Yes.

2752. Would you make this communication whether the diagonal roadway under discussion is made or not: supposing this roadway between Charing-cross Railway and Wellington-street were to drop, would that communication be completed?—I assume that it would. Of course the subject of the abolition of that roadway has not yet been officially before the Board, but I assume that, in any case, Craven-street would be completed. The next is Villiers-street; that also would be a communication which would be continued.

2753. But if this road is not made, there will be no communication then?—Oh yes; we have power still to carry that down, because that crosses only the piece of land marked white on the plan, which is our own property, and the land coloured green, which is the reclaimed land. We have still a power, and no doubt the Board will exercise that power. With regard to the next street, Buckingham-street, we have no provision and no restrictions, and whether the Board would carry that down to the Embankment in the case of the roadway being abolished, I do not know, but I should think probably not, because Villiers-street would answer their purpose, and Buckingham-street, for the purpose of traffic, would be very inferior. The next streets, Church-street and Robert-street, are impracticable in consequence of the levels.

2754. Then, as at present advised, you have no road from the Strand after Villiers-street until you come to Wellington-street?—Except some steps at the end of Adam-street, which are provided for specially by Section 26 of the Act of 1868.

2755. Then there is no communication, as far as the Metropolitan Board of Works is concerned, for either foot or carriage traffic, except there?—Except there. Then we come to the question of the Salisbury estate.

2756. Which commences where? There is Salisbury-street and Cecil-street, and the block of buildings to my right is part of the Salisbury estate, is it not (*pointing to the plan*)?—Yes, but the clause especially refers to Salisbury and Cecil streets. They cannot be extended, because Clause 29 of the Act prohibits the Board from taking any other land belonging to the Marquis of Salisbury than such as is required for the approach road to Wellington-street, and to connect that street with Cecil and Salisbury streets would necessitate the purchase of land from the Marquis of Salisbury beyond such limit.

limit. So that, without the consent of the Marquis, we are absolutely prohibited from extending these two streets. The next communication is Savoy-street, and that is to be passed under the approach road to Wellington-street.

2757. That will only be a foot communication?—That will only be a foot communication.

2758. Where will that join the Embankment?—Where no other property intervenes.

2759. You go past the German Chapel?—Yes.

2760. Is that land delineated white the property of the Board?—That property is not specified in any other way, and therefore we assume it to be the property of the Board, and that they could make that approach; at the same time, there would be still some doubt whether the Duchy of Lancaster would claim that. There is no clause vesting that in the Board; but it is not specially provided for, and apparently the general tenour of the Act is, that all property not specially provided for the Board should have power of exercising rights over, but still the Duchy of Lancaster might possibly claim that.

2761. If a roadway is made, there would be a foot access under that roadway, and if the roadway is not made, there could equally be a foot access to Savoy-street?—Yes.

2762. And carriage access there would be impossible?—It would be impossible, on account of the levels.

2763. Now will you proceed further eastward?—Then we come to the other side of Somerset House, and beyond Somerset House the three streets, Surrey-street, Norfolk-street, and Arundel-street were proposed to be approached by a roadway, rising from the Embankment up to the level of the foot of this street.

2764. Is that now part of the plan?—That will not in any way be interfered with, unless the project of building the new law courts be carried out.

2765. That would be a carriage roadway?—Yes.

2766. That would give access by that rising road to these three streets, Norfolk-street, Arundel-street, and Surrey-street?—Exactly; it forms a sort of summit level.

2767. There are no clauses with reference to the Duke of Norfolk's property barring you in any way with reference to those three communications?—Not in any way; they are provided for and defined in the plan referred to in Section 60 of the Act of 1862. Then we come, last of all, to Essex-street. There is no special provision with regard to Essex-street; but, as you are aware, we have already formed a temporary communication and footway for the purpose of affording access to the pier at that point for foot passengers.

2768. Through whose property have you done that?—It is on the reclaimed land; there is no intervention.

2769. Before that it was a foot access to the foreshore?—Yes.

2770. And now you have made it across the reclaimed land?—Yes.

2771. I suppose you are of opinion that Essex-street is perhaps about the best site in that part for a great roadway communication?—Oh yes, it must be the means of communication.

2772. It is the natural outfall of the Strand traffic in that quarter?—There is no other.

2773. Looking to the other end, from your knowledge of this district, and having had so much to do with all these metropolitan improvements, are you of opinion that it would be very desirable to have an approach to the Embankment somewhere in the direction of Northumberland House?—Clearly something from that point is absolutely necessary.

2774. With a view to the communication with the metropolis, do you consider that an approach by Northumberland House is more essential than this diagonal roadway?—Oh dear, yes; that approach through Northumberland House is the real access for the great mass of the population to the Embankment.

2775. One would be arterial and the other merely local?—Yes.

2776. Did you hear the evidence given by the churchwarden of St. Paul's, Covent-garden?—Yes.

2777. Do you agree with his views?—Not in the least.

2778. Do you think that the inhabitants of that district generally would agree in his views?—I should imagine not.

2779. Are you of opinion that this ground could be best devoted to such a plan as has been laid before the Committee by Mr. Waterhouse in his Plans, Nos. 2 and 3, combining a museum with a garden and ornamental terraces and grounds, likewise showing the capabilities of making a roadway in the rear communicating between the Strand and the Embankment on both sides?—That plan seemed to me to be a very excellent idea for occupying that site, and at the same time to combine with it what is wanted in the way of communication.

2780. Is there any other point which you think it desirable to bring before the Committee?—Mr. Smith was anxious that I should put in one supplementary section to those which the Chairman of the Board of Works handed in, giving the levels of Water-street and Strand-lane; he said we had not given that information, therefore he asked me to be prepared with that, and to hand it in.

2781. Have you had any communication with Mr. Fowler for the Metropolitan Railway people, with reference to these ventilating shafts, recently?—Not since this Committee has sat.

Monday, 10*th May* 1869.

MEMBERS PRESENT:

Mr. Buxton.	Mr. Alderman Lawrence.
Mr. Cowper.	Mr. M'Clean.
Lord Elcho.	Lord John Manners.
Mr. Beresford Hope.	Mr. William Henry Smith
Mr. Layard.	Mr. Tite.

LORD ELCHO, IN THE CHAIR.

Mr. ALFRED WATERHOUSE, called in; and further Examined.

Mr. *A. Waterhouse.* 10 May 1869.

2782. *Chairman.*] AT the last meeting of the Committee it was arranged that you were to meet Mr. Fowler in the interval between that meeting and this, and were to let us know to-day whether any arrangement had been come to by you with him with reference to the line the railway was to take, having regard to the intended site for the building proposed to be erected for a museum of natural history?—Since Monday I have seen Mr. Fowler on the subject, and I understand from him that although the lines of the railway have been determined upon, and a certain amount of work which I understood him to say would not amount to many hundreds of pounds, had been already done, yet that there was nothing in the projects which were laid before you on Monday which could prevent the line of the railway being departed from, so as either to avoid the building altogether in one or two cases, or to run under the building, parallel to its front, in others.

2783. In fact, from your communications with him, you feel that there would be no difficulty in the railway so accommodating itself to your plans as to enable the plans which you submitted to the Committee to be carried into effect?—Precisely so; in no case would the railway be a difficulty.

2784. With reference to the question of vibration of buildings by the passing of trains, you have probably studied the evidence which has been given upon that point before the Committee?—I have heard of the evidence, but have not read it.

2785. Do you believe that you could so construct your buildings upon the plans which you have submitted to this Committee that they would not be injuriously affected by any vibration from passing trains?—Yes; I do think the building might be so constructed that it would not sustain any injury.

2786. That it would not be injuriously affected?—Not by trains drawing up at the station.

2787. Or by the noise or vibration of passing trains?—Precisely.

2788. Have you communicated at all with Mr. Fowler upon that point?—Yes, I have spoken to Mr. Fowler upon the subject.

2789. And that is the conclusion to which you have jointly come?—Yes.

2790. With reference to a plan which you submitted to the Committee, numbered by you 4, but which they did not go into at their last meeting, it has been since thought desirable that the Committee should have that plan before them: will you kindly lay it before us, and give any explanations of it that you think desirable?—Plan No. 4 differs from the other three which were submitted to the Committee on Monday, in this important particular, that it has no back elevation of architectural pretension. It is intended that the back elevation should not appear from any road, but that the roadway should be brought up with a bolder sweep than in the former cases, cutting, as it necessarily would, more into the property at the back, but allowing for a crescent of houses, or other buildings, on either side of the roadway.

2791. I see by this plan that your crescent sets right through the centre of a block of buildings, commonly called Adelphi-terrace?—It does.

2792. And it would take, I suppose, a considerable portion of the good buildings on the proper left of Adelphi-terrace?—Exactly so.

2793. This plan which you have laid before us has a cresent at the back of your building, which cresent I imagine will face to the north?—The street front of it would face to the north.

2794. That is to say it is the side next the Strand, which will be the front?—Yes; and by so doing it masks the back of the Museum.

2795. So that the backs of this public building and this crescent will mutually mask each other?—Quite so.

2796. I do not know whether you have gone into the thing narrowly, but I suppose you calculate that, by the sale of the large block of new residential buildings which you propose to erect, you will be able to recoup yourself for the purchase of the ground necessary to erect those buildings?—I think that the re-sale of the land for such erections would be likely to recoup the cost.

2797. And likewise with regard to the buildings you purchase to make this road?—I think that

that would be possible, because all the houses would have excellent light, and form a first-class thoroughfare.

2798. Have you gone into it all so as to be able to give a definite opinion upon that point, as to whether it would be a scheme that would pay?—No, I have not.

2799. You have no estimates of that?—I have made no estimates of the value of the property which would be destroyed.

2800. Then I gather from your evidence generally, that you lay four plans before the Committee; and that you can speak confidently with reference to the cost of the buildings which you yourself propose to erect, but with reference to the purchase of the land which may be required in the rear of the building, either for this crescent or for the formation of the roadway; those are points upon which you do not speak?—It is so.

2801. That is a matter to be determined by a proper surveyor, and upon estimates and plans being gone into more definitely, which you do not profess to have done?—That is so.

2802. And you feel confident as regards your own estimates of this building, whether it takes the form of Plan No. 1, No 2, No. 3, or No. 4, that your estimates are correct?—Yes.

2803. With reference, however, to this No. 4 plan in which the idea is, that by the purchase of a large portion of buildings and the creation of this crescent, the cost will be recouped; you do not speak positively as to that, any more than you do as to the general cost of purchasing land in the rear of the buildings?—Precisely so.

2804. But this plan is framed, to a certain extent, upon the basis of recouping yourself by the sale of the property?—It is.

2805. It is upon that principle, to a certain extent, is it not, that the Metropolitan Board of Works carry on their operations?—I believe so.

2806. All that you wish to be held responsible for is, the accuracy of your own building estimates with reference to the erection of a museum?—Exactly.

2807. We have had your Estimates for Plans Nos. 1, 2, and 3; but we have not had your estimate for No. 4; will you kindly give us that?—My estimate for Plan No. 4 is 603,000 *l.*

2808. Is that for the building itself, irrespective of any roadway?—Irrespective of any roadway, or any other building.

2809. It includes, however, the laying out of the gardens, according to your evidence on the last occasion?—I think, if I said it included the laying out of the gardens, I meant that it included the retaining walls and terraces.

2810. This plan would give you a continuous terrace along the whole front of the building?—Yes.

2811. Would there be an access through?—There would be an access from the Strand for specimens.

2812. Do you propose by this plan that the crescent in the rear of the building shall have any foot access or cart access from the Strand?—Yes; I intended a cart entrance there for specimens, for, in fact, workpeople and the like; a private entrance.

2813. Would it be possible, in the rear of the building, by that private entrance, to have any public foot entrance?—I think it would be quite possible, but I doubt its expediency.

2814. If not, persons going to the Museum would have to go round by the Embankment roadway?—Precisely.

2815. This plan, No. 4, gives a roadway which branches off from the rear of the Museum to the Strand, diagonally, to the left, towards Charing-cross; that is to give a communication from Charing-cross to the Embankment roadway, continuing towards the city, I suppose?—It would be, rightly speaking, a continuation of Pall-mall in front of the National Gallery, and along Duncannon-street.

2816. Where would your carriage-approach to this building be?—From the Embankment.

2817. Would any carriage be able to drive up to the building?—It is not so shown here, but it might be so arranged.

2818. According to this plan, as I read it, no person on a wet day could get to the Museum without getting wet; he could not drive up to it?—It is not so shown on that drawing, I must admit, but I ought further to explain, that although this entrance is intended primarily for a private entrance, there is no reason that I can see why it should not be a public entrance as well; the only objection to the scheme would be, that it was not intended that the façade should be interesting, because it would be hid from the street.

2819. Would there be anything in the gradients to render it impossible or difficult, by sacrificing in this plan a portion of the centre of the crescent, to have an entrance at the back of the Museum?—With a quadrangle there would be no difficulty in doing that.

2820. So that you would require an entrance façade of a very small extent there, masked right and left by walls or other arrangements, which would give, would it not, an access to the back of the building for carriages, and would obviate what at present appears to be an objection to the plan, namely, that on a wet day nobody could get to the Museum without being wet?—Certainly.

2821. Mr. *Beresford Hope.*] This plan, I observe, has the advantage of having the profitable ground behind, Plan No. 3 was artistically the most satisfactory, from the wings being separated by open loggias; could you adapt that treatment to this place?—I think there would be a difficulty in adapting No. 4 Plan to No. 3, because the open loggias would expose just that which we want to mask.

2822. Mr. *Layard.*] May I ask whether you have no means of utilising the basement to a considerable extent, for offices connected with the Museum, and whether you could not diminish the upper part of the building, and yet be able to afford accommodation for everything necessary for a Museum of that kind?—I think it is quite possible, if you had only the accommodation which was suggested by Professor Huxley last Monday to design the building with a materially smaller superstructure.

2823. You heard Professor Huxley's evidence?—I did.

2824. He seems to think that three acres is really more than is required for the exhibition of all necessary specimens of natural history?—Yes, I think that was so.

2825. And you could, I presume, further reduce your building to meet his views, supposing those views be adopted by the Government?—Nothing

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Nothing would be easier than to reduce the building in size.

2826. And you could utilise the basement?—To a great extent; the exterior also could be utilised, but the difficulty with regard to the basement is, that we could not get any light from the top, and should be compelled to avail ourselves of side lights.

2827. Mr. *Tite.*] But you might have areas?—We might; but in drawing my plans I was thinking of a building to be lighted without areas, the exterior being two stories in height, and then in the centre lighted galleries merely.

2828. Mr. *Layard.*] I understand you to say, that you would have it somewhat similar to the Geological Museum, with galleries round?—Each separate top-lighted gallery might be treated so.

2829. Then you might utilise your basement upon all four sides almost?—Yes. I propose that there should be gardens or an area at the level of the basement floor all round.

2830. You would have no difficulty in utilising your basement?—Certainly not.

2831. Mr. *Cowper.*] Do I understand that the object of having a basement is, to raise your building so high, that it may mask the private houses from the spectator's view who stands on the embankment?—The first object in having the basement, I apprehend would be, to impart a suitable dignity to the building itself, and then, secondly, it would make the building more completely mask the other buildings at the back and sides of it.

2832. Supposing, instead of having the building on the low ground, you were to place it on the higher ground by purchasing the houses which stand along this high ground, would you then be saved from the expense of erecting a basement?—To a great extent, I apprehend that we should be; we certainly should not have to go down nearly so deep as we should if we built near the water-side; but then, of course, we should have the very much increased cost of the property to contend with.

2833. But if you built on the level of Adelphi-terrace, your building would be already in so commanding a position, that it would be of sufficient height without erecting an additional basement to raise it higher?—Yes, I apprehend it would.

2834. *Chairman.*] What is the depth of your building in the centre; I mean simply the building itself, from front to back?—One hundred and eighty feet.

2835. Mr. *Layard.*] May I ask if you are aware whether the foundations of Adelphi-terrace are not on the river deposit, so that the foundations would require to be as deep there as they would be further in advance?—They are an immense depth, but whether they were carried down for the purpose of securing a proper foundation, or for the purpose of utilising space which could be approached by cartways upon a lower level, I am not aware.

2836. Mr. *Beresford Hope.*] You do not know what the formation of that ground was, before Adams built that place?—I do not.

2837. Mr. *Cowper.*] Must not that which was the ancient shore of the river afford a better foundation than the reclaimed land, which has been only recently artificially filled up?—Yes.

2838. *Chairman.*] Do you know how deep the foundations of the wall are upon which Adelphi-terrace stands?—I do not.

2839. If you take from the corner of where the Adelphi buildings are, and measure directly backwards to the Strand, how far would that take you; would that touch the block of buildings in the rear of John-street?—It would carry the museums back to the front wall of the building of the Society of Arts.

2840. So that, practically, to erect this building on the same line as the corner of the Adelphi-terrace, you would require the whole space of the buildings between that and the Strand?—Yes, to take it right back to the front of the Adelphi buildings.

2841. To have a space in front of the entrance you would require, practically, to clear away the whole block of buildings to the Strand?—Or at any rate the whole of the buildings facing John-street.

2842. Mr. *Cowper.*] Suppose the site given to you to cover, were between John-street and Duke-street north, and the reclaimed land on the south, could you not, on that space, afford all the accommodation that is necessary for a Natural History Museum?—There would be just about enough room for a museum, if placed between the Charing Cross Hotel and Adam-street, and between John-street and the front of the low buildings which stand in front of Adelphi-terrace.

2843. *Chairman.*] If what has just been suggested were the case, there would be no means of making a roadway in the rear of that building as represented in your other plans; the right wing of that building would abut on the Charing Cross Railway Terminus, and the whole of the left part of this ground facing the river would still be in its present state with unsightly buildings upon it, or be left to the chance of private speculation?—Yes; one could not make the road in question, and it would leave the worst of the present unsightliness untouched.

2844. And it would not in any way mask Charing Cross Railway Station?—No; because it would be 190 feet behind the front.

2845. Mr. *Cowper.*] Then supposing, instead of bringing the new building close up to the Charing Cross Railway, Villiers-street were left as it is, but widened, and if the building were set a little back from Duke-street to John-street, would you not have a proper access to it from the Strand, by means of John-street and Duke-street?—You would certainly have an access to it from the Strand along Adam-street.

2846. Then, supposing it were thought desirable to have a frontage the whole length of the embankment between Charing Cross and the Savoy, could you not then extend your building along the whole frontage which is occupied by these houses, as far back as the street, prolonging John-street, which would go to form the boundary, and then would not that make a good site?—The difficulty would be that John-street would fall east and west from Adam-street.

2847. *Chairman.*] Is it not the case that from the corner of Adelphi-terrace, from John-street towards Charing Cross, there is a very rapid descent indeed down to the level of Villiers-street?—Yes, it is so.

2848. Mr. *Cowper.*] I am assuming that Adam-street would still continue as the chief means of communication between the new buildings and the Strand; your only difficulty then would lie in regulating the varieties of level upon which you would have to build, but that, I presume, is a difficulty which would not be insurmountable?—I do

I do not see any insurmountable difficulty in continuing the front of such a façade up to the Savoy, nor in carrying the street by a continuation of John-street behind the building down to the Savoy Chapel, but it would have to fall from Adam-street to the Savoy Chapel, because there is a difference in level there of about 20 feet.

2849. Lord *John Manners.*] Would not the fall be greater than is shown in this road here?—No, it would be just the same.

2850. Mr. *Cowper.*] By such an arrangement, would it be necessary to encroach at all upon the ground which has been reserved, by Act of Parliament, for the public enjoyment of the people?—The buildings would all be behind that space (*pointing to the Plan*), if it be that coloured green on the large map.

2851. Will you tell me what proportion of the land proposed to be dealt with by this plan is ground which is already covered with houses, premises, or wharves?—From a quarter to a third. I am speaking now of Plan No. 3.

2852. And what proportion of it do you think is occupied by residential houses?—I should say hardly any by dwelling-houses; they only touch the site of the building at one or two points. There is one house here, and that is another house (*pointing to the Plan*).

2853. Then it is not possible to build a new house close up to the existing houses, and as you must purchase the area round your building, I would ask how much of the residential property is touched by the road which encircles the proposed building?—Perhaps I might answer the question by saying that at the end of Salisbury-street and Cecil-street the roadway would cut into the houses about 60 feet.

2854. And the corner of the block of buildings of the Adelphi-terrace would also be taken away?—It would.

2855. Do you think that would involve the purchase of the whole block?—It would involve the purchase of the front row of houses.

2856. Lord *John Manners.*] Which, of course, is the most valuable?—I do not know what their relative values are.

2857. According to that plan, would not the whole of the Adelphi really have to be bought; will not this plan entirely alter the lines of the existing Adelphi-terrace?—My impression was, that it would be the most economical mode of treating the question, to purchase the whole of the Adelphi-terrace.

2858. Mr. *Layard.*] Supposing this road were not considered essentially necessary, could you do without it?—I am a little doubtful whether by the carrying out of Plan No. 3 strictly as it is shown here, it would be possible to do without the south corner of Adelphi-terrace.

2859. Mr. *Cowper.*] Will you state how near your proposed building comes to that corner?—Thirty-two feet.

2860. Mr. *Beresford Hope.*] That would be too narrow for a street?—If two houses were taken off along the width of Adelphi-terrace, in order to make Adam-street of sufficient width for an approach, it would do.

2861. Lord *John Manners.*] Is there not a large hotel there?—I believe there is.

2862. Mr. *Buxton.*] Would it not be a very much more economical and a much more feasible plan, not to attempt anything at the back of this building at all; it would save all the immense expense of making this roadway, pulling about all these buildings, and at the same time it would be making this building an ornamental front, which you must do if you have a handsome roadway in front of it, and you might have a perfectly plain back to the building, as plain as any of our backs?—There is no doubt that some considerable expense would thus be saved.

2863. Mr. *Layard.*] But if you could carry out the suggestion I made, of reducing the size of the building, you might increase the size of the road without advancing upon Adelphi-terrace?—Yes, we might.

2864. Lord *John Manners.*] In the event of your building being so placed with a non-ornamental back to it, would you not have equally to purchase the houses in the Adelphi-terrace and other houses in the corresponding line, in consequence of the provisions of the Thames Embankment Act?—We should have to do so, undoubtedly, if the scheme were not curtailed with regard to size. In the case of Plan No. 1, it strikes me that there would be no purchase of valuable property required in order to carry out a scheme like that; because Adelphi-terrace would be, at its nearest, between 90 and 100 feet from the building; that is to say, if two houses were taken in order to improve the width of Adam-street, otherwise it would be about 32 feet. Then the houses at the end of Salisbury-street and Cecil-street would come within about 40 feet of the building, and that would be the nearest point where any property of value would approach the building.

2865. Mr. *W. H. Smith.*] Those houses in Salisbury-street and Cecil-street are not of any great value, I think?—I believe not.

2866. Lord *John Manners.*] According to Plan No. 1, would not the building rise up in front of the houses in Adelphi-terrace?—It would rise up in front of them, and would obstruct their view of the river, but it would not interfere with their light.

2867. But under the provisions of the Thames Embankment Act, are you of opinion that a great building rising up at a distance, even of 100 feet, in front of Adelphi-terrace, would give a claim for compensation to the owners of those houses?—I am not able to answer that question.

2868. *Chairman.*] Referring back to Plan No. 3, you have been asked whether the building might not be put on the original shore of the river, instead of being on the reclaimed land; I see that the original shore does not run parallel at all with the present line of the Embankment?—It does not.

2869. Do you think it desirable that any public building erected on this site should be parallel to the new line of the embankment?—I think it is most important that it should.

2870. With a view to architectural effect, it is most important that it should be parallel with the new line of the Embankment and the river, and not with the old river shore?—Most undoubtedly.

2871. If you were to do what you consider to be essential, namely, to erect this building parallel to the new front, and not along the old river line, that it would necessitate, would it not, throwing back the left of that building, and cutting considerably into the block of houses in the rear, between the left of the building and the Strand, and it would entirely throw forward the right of the building, and by so throwing it forward,

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ward, throw it in front of the old river shore?—It would; but it need not cut very much into this property on the left, because it might be wedge-shaped.

2872. But, unless it were wedge-shaped, that would be the effect; this plan, as at present designed, would necessitate what I have stated?—It would.

2873. Mr. *Cowper.*] But supposing the object were not strictly to follow the existing line of the houses, but if it were still to preserve a considerable recreation ground, might you not put your building in a parallel line with the embankment, without interfering materially with the recreation ground by encroaching upon the reclaimed ground to the west, but not encroaching upon it to the east?—Yes; I think that could be done. The greatest objection which appears to me as likely to arise from an irregular plan is with regard to the internal arrangements; because, instead of having the galleries, which would be seen from end to end, perfectly rectangular, we should have them of irregular figures.

2874. *Chairman.*] A wedge-shaped building would be very awkward, both with regard to internal arrangements and architectural effect?—For this particular building it would be very awkward.

2875. Mr. *Tite.*] Is it not pretty clear, from the evidence of one's senses, that Somerset House and Adelphi-terrace were not built with a view to using the original level of the shore; but, in point of fact, were, by the architects, raised on very extensive and costly basements, with a view of bringing them up to the level of the high land, indicated by the course of the main streets, the Strand and Fleet-street; is not that clear from the architectural construction of those buildings; there is an enormous basement at Somerset House; there is an equally enormous basement at Adelphi-terrace; and, although perhaps you do not know it, there is a very large basement indeed in Salisbury-street; therefore the Savoy Chapel and the Lutheran Chapel being down at the ancient level, does not all that indicate that it is an artificial level, created for a particular purpose?—No doubt.

2876. Therefore, if you avail yourself, by purchase, of the site of the Adelphi-terrace, it does not carry you beyond where the Adelphi-buildings themselves extend; but you would have to continue a basement very much of that kind over the low ground, either east or west, if you occupied it?—I presume so.

2877. That being so, with regard to your plan, a basement must be created if you mean to raise the main floor of the building to a level with the Strand, or Fleet-street, or to the higher level; and, as I understand your explanation, it would be then convenient that you might come in from that level, not at a very great descent, but probably a very moderate one indeed, to the main floor of your building?—From the Strand, yes.

2878. And underneath there would probably be an enormous basement, like the basement which was created to construct the area of Somerset House?—Exactly so.

2879. And you cannot escape from those conditions?—I do not think we can.

2880. Therefore, if you went back, as has been suggested, and bought first Adelphi-terrace, and the houses between that and the station buildings of Hungerford Station, you would still have to continue that terrace very much with the same view and to the same extent?—I do not quite follow you.

2881. I mean, if you go down that street there is an immense dip right down to the natural level of the land, as it was in the time of the Duke of Buckingham?—From John-street to Villiers-street.

2882. Would you not have to continue the line of Adelphi-terrace right along that face?—Yes, if you put the building to the west of Adam-street.

2883. The point of all these questions is, that you should have the building back, in order to retain the land in the front for recreation purposes; if you do that, you must continue an arched level of the same nature, of the same extent, and of the same character, as that which forms the basement of Adelphi-terrace?—I do not see that there is any help for it.

2884. That being so, do you think otherwise than in your Plan No. 1, which is a very moderate and reasonable one, that the land could be more economically and more wisely used than to put a building to a considerable extent upon the reclaimed land, with the gardens at the end, and the gardens in the front, combining the two uses, and to a great extent abandoning the park-like character of the land which has been created?—My impression is that that is the most economical and the best way of laying out the ground.

2885. *Chairman.*] That is Plan No. 1?—That is Plan No. 1; but I should say, just correcting the question of the Honourable Member on one point, that it does not provide for any garden in front of the building, but only for a broad terrace.

2886. Mr. *Tite.*] But at each end there are gardens?—At each end there are considerable portions of ground devoted to gardens.

2887. To what extent?—About an acre and a-half altogether.

2888. At each end?—No, the two together.

2889. *Chairman.*] Would not a portion of the land which is shown on this Plan, on the right of the building, as available for garden ground, be required for a ventilating shaft for the railway?—A certain portion of the garden would be required.

2890. Of the garden ground on the right of building?—Yes.

2891. Mr. *Tite.*] With regard to the portion to the eastward, it would not be required, because the railway keeps clear of that?—It does.

2892. If this street going up to the Hungerford Bridge level, running down at the back, and coming out at an increased level at the east end were abandoned, would not that give you a very much increased area for ornamental ground?—A very much increased area. There is no reason why half the scheme should not be carried out, and not the other; that is to say, the road might be carried down to the foot of Charing Cross-bridge, which would be the much more useful street of the two, and the other portion might be abandoned altogether.

2893. Is it not quite possible, by giving up this street to the west (increasing thereby the space to be given to the public), and by improving Adam-street, and giving a fair area at the bottom of it for carriages to turn in the front of your building, to leave the spaces which are now occupied by the road very much as I have suggested?—For recreation ground, certainly.

2894. It

2894. It would be possible to come down there and make an area in front?—Yes.

2895. If that were done, probably it would diminish the claim for compensation by the owners of the adjoining houses, by the giving up that ground for ornamental purposes, instead of the purposes of a roadway?—It very likely might.

2896. Do you know practically that the houses in Adelphi-terrace, built on this system of arching, are settling in all directions, and that there is not a party wall in its original state?—I have seen indications of that in walking through the buildings.

2897. Have you seen the same thing in Cecil-street?—I never noticed it there.

2898. Would not that induce a belief in your mind, inasmuch as the building of foundations in the time of Adams was not very thoroughly understood, that very likely they are laid on timber, and the timber is rotten; from the sinking of the party walls to the extent, and in the way in which you have seen it, do you think that that sinking is ended?—I have not looked at it with that view, therefore I should not like to answer the question.

2899. But the fact is, that the houses are settled in all directions?—I have seen several of them in that condition.

2900. Mr. *Cowper.*] Supposing the road to the east of Adam-street were abandoned, would not this piece of land to the east of the proposed museum, which is now marked out as recreation ground cease to be recreation ground, because by the Act of Parliament it is destined to be built upon, and those premises which are proposed to be taken for the road would be left as they are if the road were abandoned?—It is quite true that this bit to the east is marked on the model as a portion of the ground which is to be built upon, but the very fact of supposing the museum to be placed where it is, midway between the two bridges, supposes that a certain amount of the land (in fact, this very land which is shown as intended to be re-sold for building purposes) should be converted into gardens for the public, and for securing light and air for the building.

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2901. Therefore it would be necessary for the Government who erect the museum to purchase half-an-acre of land for the purpose of throwing it into garden ground?—Either half-an-acre or a certain portion of half-an-acre.

2902. Supposing the road which is marked out to the west of Adam-street were abolished, would not the piece of ground which it was suggested might be thrown into recreation ground be ground which must be purchased for the purposes of the Metropolitan Board?—Yes.

2903. Does not the slope of this ground between Charing Cross and Waterloo Bridge resemble, in its general features, the slope of the ground to the east of Somerset House which it is now proposed to use for the erection of the Law Courts?—I believe it does, generally speaking.

2904. We may assume that as Duke-street and John-street are at an intermediate level between the Strand and the reclaimed ground, so Howard-street is at an intermediate level between the Strand and the reclaimed land at the bottom of Norfolk-street?—I believe it to be so, but I do not know what the level of Howard-street is.

2905. Then would not the considerations which have induced the Government to propose to erect the Courts of Justice between Howard-street and the reclaimed land, apply in a similar way to this piece of ground between John-street and the reclaimed land, which would be a somewhat similar sort of land?—I do not quite understand the question.

2906. I mean in this way, that the ground slopes down from John-street to the level of the river, and that the building probably would not be erected at the height of Adelphi-terrace, but would be at an intermediate level between the top of the Embankment and John-street, and the streets to the west of it?—I do not know the Howard-street site at all intimately; but I think there is this difference between the two, that here the level of the streets is all artificial, whereas my remembrance of Howard-street is that it is on the natural level.

Mr. Superintendent WALKER, called in; and Examined.

2907. *Chairman.*] YOU are a Superintendent of the Police, and, in that capacity, I presume have had great experience with regard to the regulation of the traffic in the metropolis?—I have.

Mr. Superintendent *Walker.*

2908. It has been your duty to regulate that traffic on many occasions?—Yes.

2909. You are conversant with what is proposed with reference to the Thames Embankment and this roadway which is being made, under an Act of Parliament, from Charing Cross Bridge to Wellington-street, Strand?—Yes.

2910. Are you of opinion that any communication is necessary between Hungerford Bridge and Westminster Bridge, near the Parliament Houses?—Yes.

2911. Do you think that, as at present arranged, persons coming from the east, would be able conveniently to travel in carriages along the new roadway on the Embankment as far as Westminster Bridge and turn off there, and then drive into the square of the Parliament Houses?—I think it would be exceedingly difficult to cross the line of carriages proceeding from Westminster to Lambeth; they would cross at right angles.

2912. That is to say, you would have a continuous stream from Belgravia all coming down Whitehall and proceeding over Westminster Bridge to the south side of London, and persons coming in carriages along the new Embankment road would have to cut that stream in order to get to their proper side of the road to go to the House of Commons or Belgravia?—Quite so; and it would increase our present difficulty in regulating our traffic at the end of Bridge-street.

2913. You already find the traffic very great over Westminster Bridge, I presume?—Very great indeed.

2914. Have you made any calculation with regard to it?—Yes; on one occasion, by order of the late Commissioner of Police, we were directed to count the number of vehicles and the persons on foot who passed over Westminster Bridge in 24 hours, hour by hour. I venture to submit to the

Mr. Superintendent *Walker.*

10 May 1869.

the Committee a copy of these returns that were made out on the 11th of June 1865. From six a.m. on the 10th, to 6 a.m. on the 11th of June 1865; this return shows that there were on that day 13,119 vehicles which passed over Westminster Bridge.

[*The following is the Statement referred to :—*]

METROPOLITAN POLICE.

RETURN of the number of VEHICLES which passed over WESTMIMSTER BRIDGE, between the Hours of 6 a.m. 10th, and 6 a.m. 11th of June 1865.

From	To	Omnibuses.	Cabs.	Light Traffic.	Heavy Traffic.	Totals.
6 a.m. -	7 a.m. -	–	65	157	138	360
7 „ -	8 „ -	–	74	215	126	415
8 „ -	9 „ -	6	86	230	134	456
9 „ -	10 „ -	33	156	345	160	694
10 „ -	11 „ -	37	382	395	225	1,039
11 „ -	12 Noon -	42	417	371	225	1,055
12 Noon -	1 p.m. -	37	311	415	217	980
1 p.m. -	2 „ -	36	306	377	218	937
2 „ -	3 „ -	35	340	390	288	1,053
3 „ -	4 „ -	38	375	400	210	1,023
4 „ -	5 „ -	39	376	340	197	952
5 „ -	6 „ -	41	300	280	129	750
6 „ -	7 „ -	39	293	305	76	713
7 „ -	8 „ -	39	245	268	49	601
8 „ -	9 „ -	35	235	214	28	512
9 „ -	10 „ -	37	176	124	8	345
10 „ -	11 „ -	28	176	87	9	299
11 „ -	12 Midnight	24	230	65	13	332
12 Midnight	1 a.m. -	7	335	14	8	364
1 a.m. -	2 „ -	–	121	–	–	121
2 „ -	3 „ -	–	45	–	–	45
3 „ -	4 „ -	–	12	–	–	12
4 „ -	5 „ -	–	17	–	–	17
5 „ -	6 „ -	–	36	8	–	44
TOTALS - - -		553	5,110	4,990	2,466	13,119

Metropolitan Police Office, June 1865. } *W. Harris,* Inspector, *pro* Supt.

2915. Mr. *Cowper.*] Were these vehicles passing one or both ways?—Both ways, and upon the same day; the number of persons who passed over Westminster bridge on foot was 47,062, that is, by the north foot-way 31,345, and the south foot-way 15,717.

[*The following is the Statement referred to :—*]

METROPOLITAN POLICE.

RETURN of the Number of PERSONS who passed over WESTMINSTER BRIDGE between the Hours of 6 a.m. 10th and 6 a.m. 11th June 1865.

From	To	North Footway.	South Footway.	TOTALS.
6 a.m. -	7 a.m. -	995	375	1,370
7 „ -	8 „ -	1,260	405	1,665
8 „ -	9 „ -	1,700	560	2,260
9 „ -	10 „ -	1,710	595	2,305
10 „ -	11 „ -	1,440	590	2,030
11 „ -	12 Noon -	1,505	555	2,060
12 Noon -	1 p.m. -	1,625	720	2,345
1 p.m. -	2 „ -	1,835	910	2,745
2 „ -	3 „ -	1,800	798	2,598
3 „ -	4 „ -	1,515	795	2,310
4 „ -	5 „ -	1,680	830	2,510
5 „ -	6 „ -	1,790	805	2,595
6 „ -	7 „ -	1,865	920	2,785
7 „ -	8 „ -	2,080	1,363	3,443
8 „ -	9 „ -	2,300	1,810	4,110
9 „ -	10 „ -	1,900	1,335	3,235
10 „ -	11 „ -	1,635	1,080	2,715
11 „ -	12 Midnight	1,362	695	2,057
12 Midnight	1 a.m. -	835	370	1,205
1 a.m. -	2 „ -	213	95	308
2 „ -	3 „ -	72	14	86
3 „ -	4 „ -	55	22	77
4 „ -	5 „ -	64	20	84
5 „ -	6 „ -	109	55	164
TOTAL - - -		31,345	15,717	47,062

Metropolitan Police Office, June 1865. } *W. Harris,* Inspector.

2916. *Chairman.*] Have you any suggestion to make with reference to an approach to the Embankment from the direction of Parliament-street, other than any at present proposed by Act of Parliament?—It will be necessary to form a line from the Embankment into Parliament-street, but certainly not lower down than Derby-street.

2917. Is that at the corner of the new club?—It is.

2918. Then you consider, with reference to traffic going from the east to the Houses of Parliament that it is essential, in addition to the present proposed roadway, that there should be a roadway from Parliament-street by the new Whitehall club to the embankment roadway?—I consider it most necessary.

2919. In

2919. In that case there would be not only the traffic continued from that branch on to the corner of Westminster-bridge, which would only be traffic going to the south of London, but there would be all the traffic going to Belgravia, or going to the Houses of Parliament, which would turn off at the spot indicated by you?—And would fall at once into its proper side.

2920. Would you consider it, with reference to the general communication of the metropolis, very desirable that there should be a roadway to the Embankment somewhere in the direction of Charing-cross or Northumberland House?—Yes, I think that would be absolutely necessary in order to relieve Whitehall of a portion of the traffic, at any rate.

2921. You consider an opening of some kind or other there absolutely essential?—I do.

2922. Do you know the district of London lying to the east of Essex-street, between the Temple and Somerset House?—Yes, I do.

2923. Would you consider it very desirable that there should be some communication in the neighbourhood of Essex-street on to the Embankment roadway?—I do.

2924. Mr. *Cowper.*] You say it would be most convenient that the traffic coming from the east, and going to Parliament-street, should come by Derby-street, instead of coming up to Westminster-bridge; what course would you take in order to separate that traffic, and to induce persons to go through Derby-street, and turn round to the right, instead of proceeding, as they would naturally do, to the bridge; how could your police separate such traffic?—By a notice placed at the corner, or by a semaphore.

2925. But if the people disregarded this notice, as they would very likely do, the object you desire would not be attained?—No, it would not. I do not think that we should ever be able, or that it would ever be wise, to take proceedings against persons for disregarding such a notice; but I think the convenience of the route would be so apparent that every person driving would take advantage of it.

2926. But as it is not shorter, and as people are inclined to go straight on, instead of turning to the right, when they would gain no time by turning to the right, do you not think that it is very desirable that the bulk of the traffic should go straight on?—I do not; and I think, at the same time, that that route would be considerably shorter.

2927. *Chairman.*] They would find out very soon, would they not, that in the one case there was a stoppage and in the other there was not?—Yes.

2928. That is to say, they would very soon find out that if they went along the Embankment, as at present proposed, to Westminster-bridge, they would encounter this line of vehicles and so might be stopped, but if they turned off to the right they would get a much more convenient line?—Yes.

2929. And you generally find, do you not, that the traffic follows the most convenient line?—We do; and I think, if you will glance at the map, you will find that, passing from the Embankment into Derby-street and into Parliament-street, and so on to Westminster, Millbank, Great George-street, or the Broad Sanctuary, you would save some little distance, as well as many obstacles, by not coming up to the bridge.

2930. Mr. *Cowper.*] Upon the map before me it looks rather longer, but have you taken any measurement to inform the Committee what are the relative distances of the two routes?—I have not done so.

2931. On the south side of Westminster-bridge, the vehicles going to and from Stangate, cross the traffic of Westminster-bridge at right angles; has any inconvenience been found at the junction at the right angle?—I think not.

2932. Is not that an analogous case to what would occur at the north when the Embankment roadway reaches the traffic that goes across the bridge at right angles?—The traffic into Stangate is very small.

2933. Then going a little further south, we find other streets that cross at right angles; would you find any inconvenience there?—At the corner of the York-road there is a very difficult point for traffic, particularly traffic proceeding at speed to the railway.

2934. And we might judge by what occurs at the corner of York-road what would occur here?—I do not know that the two cases would be quite analogous, because we lose the traffic passing into Stangate when we reach the York-road.

2935. Lord *John Manners.*] At present Parliament-street opposite Derby-street is inconveniently narrow, is it not, for the traffic that goes along it?—Yes, during six months of the year.

2936. Any additional traffic therefore thrown at right angles upon Parliament-street would increase the present inconvenience?—It would.

2937. But supposing all the houses that lie between Parliament-street and King-street are removed, and a very wide street is made there, then I apprehend all the advantages which you have suggested, would be gained by opening a communication from the Thames Embankment by Derby-street into Parliament-street?—They would.

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No. 2.—General Plan showing suggested Approach from Charing Cross, skirting the West Side of Northumberland House, and the authorised Approach to Wellington-street.

No. 3.—Plan of Works by the Thames Embankment (North) Approaches Bill, Session 1866.

No. 4.—General Plan of Metropolis, showing main Thoroughfares in connection with the Thames Embankment and its Approaches.

No. 5.—(Sheets Nos. 1 and 2).—Sections of Streets on the River Side of the Strand, showing their Levels in reference to the Main Embankment Roadway.

No. 6.—Plans and Sections showing Widths and Gradients of Water-street and Strand Lane.

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No. 2.—Plan for a Curved Road from Charing Cross to the Thames Embankment Roadway, and also for widening Charing Cross.

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Papers handed in by Mr. Cole, C.B., 3 May 1869:

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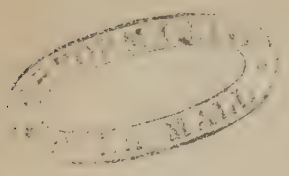
APPENDIX.

Appendix, No. 1.

PLANS

Illustrating Sir *J. Thwaites'* Evidence.



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STRAND .48.98.

CHARING CROSS .20.49

Northumberland House

WEST STRAND .35.52 .37.63 .44.43

CHARING CROSS

NORTHUMBERLAND STREET

CRAVEN STREET

Charing Cross Hotel

VILLIERS STREET

DUKE STREET

BUCKINGHAM ST.

GEORGE ST

JOHN STREET

ROBERT ST.

ADELPHI TERRACE

ADAM STREET

SALISBURY ST.

CECIL ST

BEAUFORT BUILDINGS

SAVOY ST.

WELLINGTON STREET .48.5

VIADUCT

SOMERSET HOUSE

The Crown

Land unappropriated by Act of Parliament but not to be built upon. Available as Garden ground

Lord Craven

The Duke of Northumberland

The Marquis of Salisbury

The Duchy of Lancaster

Metropolitan Board of Works

Disputed

Dr. Latter & others

YORK TERRACE

CHARING CROSS RAILY STATION

GREAT SCOTLAND YARD

WHITEHALL PLACE

ADMIRALTY

HORSE GUARDS

WHITEHALL

WHITEHALL GARDENS

The Crown

PARLIAMENT STREET

CANNON ROW

BRIDGE STREET .20.61

HOUSES OF PARLIAMENT

WESTMINSTER BRIDGE

WESTMINSTER PIER .28.5.

PROPOSED WHITEHALL & WATERLOO RAILWAY

CHARING CROSS RAILY BRIDGE

WATERLOO BRIDGE

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R I V E R T H A M E S

Note.

Land to be given up to the Crown

" " " " *Templars*

" " " " *City Gas Works*

" " " " *Duke of Norfolk upon payment*

" " *devoted to the Public as Garden Ground*

" " *occupied by intended Roads*

" " " " *Metropolitan District Railway*

" " *available for Building purposes*

Metropolitan District Railway Stations above ground

Openings for Ventilation of Railway

Land to be given up to the Marquis of Salisbury upon payment

No. 1.

THAMES EMBANKMENT.

PLAN SHEWING THE WORKS AUTHORIZED BY THE THAMES EMBANKMENT ACTS, 1862 AND 1868;
AND THE DISPOSAL OF THE RECLAIMED LAND AS PROVIDED FOR BY THE SAME ACTS,
AND BY THE METROPOLITAN DISTRICTS RAILWAY ACT, 1864.

REPORT OFFICE
PALL MALL

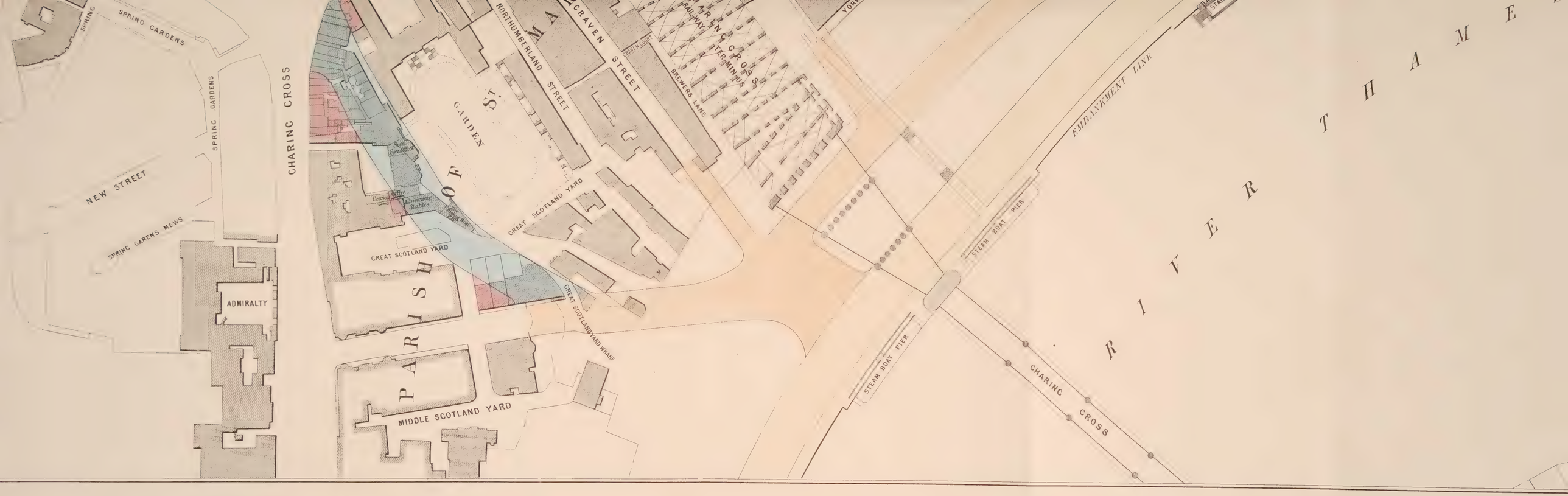
THAMES EMBANKMENT.

MIDDLESEX SIDE.

GENERAL PLAN

SHEWING SUGGESTED APPROACH FROM CHARING CROSS SKIRTING THE WEST SIDE OF NORTHUMBERLAND HOUSE,
AND THE AUTHORIZED APPROACH TO WELLINGTON STREET.

SCALE OF FEET — 132 FEET — ONE INCH.


SPRING CARDENS
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CRAVEN STREET
CRAVEN COURT
BREWERS LANE
HUNGERFORD MARKET
CHARING CROSS RAILWAY TERMINUS
YORK BUILDINGS
GREAT SCOTLAND YARD
Police Office
Admiralty Stables
GREAT SCOTLAND YARD
GREAT SCOTLANDYARD WHARF
MIDDLE SCOTLAND YARD
EMBANKMENT LINE
STEAM BOAT PIER
STEAM BOAT PIER
CHARING CROSS
RIVER THAMES

REFORM CLUB
PALL MALL

THAMES EMBANKMENT.

(NORTH)

APPROACHES.

PLAN OF WORKS PROPOSED BY THE THAMES EMBANKMENT
(NORTH) APPROACHES BILL.—SESSION, 1866.

Note *The numbered thick lines thus* **№1.** *refer to the several lines of Section & Correspond with the Centre Lines of the intended new Streets or Roads.*

SCALE OF FEET— 132 FEET — ONE INCH.

COUNTY OF MIDDLESEX

PARISH

CHARING CROSS

AUTHORIZED METROPOLITAN DISTRICT RAILWAY ON EMBANKMENT

AUTHORIZED MAIN ROADWAY ON EMBANKMENT

CHARING CROSS BRIDGE

STEAM BOAT PIER

ADMIRALTY

WHITEHALL PLACE

MIDDLE SCOTLAND YARD

GREAT SCOTLAND YARD

NORTHUMBERLAND STREET

NEW STREET

SPRING GARDENS

SPRING GARDENS MEWS

CRAVEN STREET

YORK TERRACE

BREWERS LANE

Termination of Section No. 1.

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REFORM CLUB
PALL MALL

GENERAL PLAN OF METROPOLIS,

SHEWING MAIN THOROUGHFARES

IN CONNECTION WITH THE

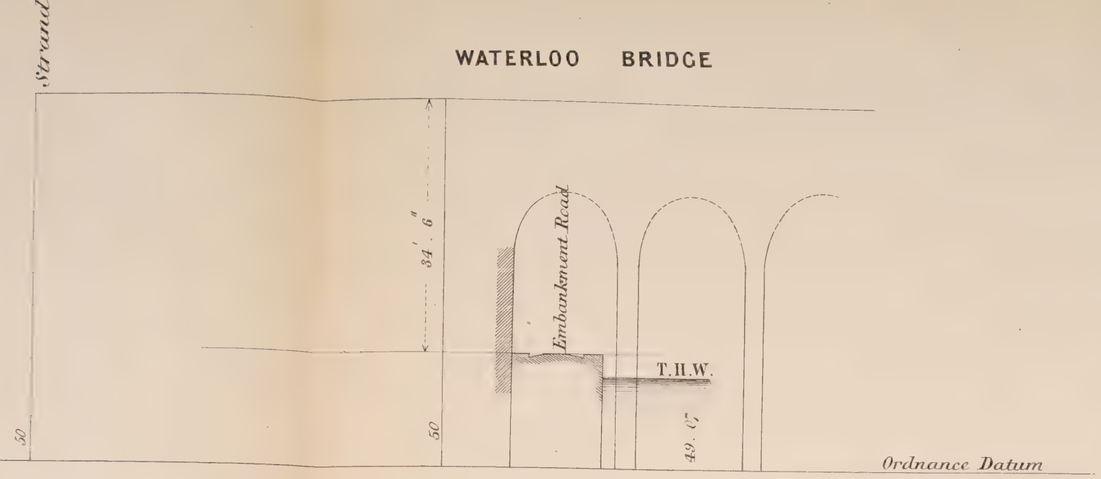
THAMES EMBANKMENT AND ITS APPROACHES.

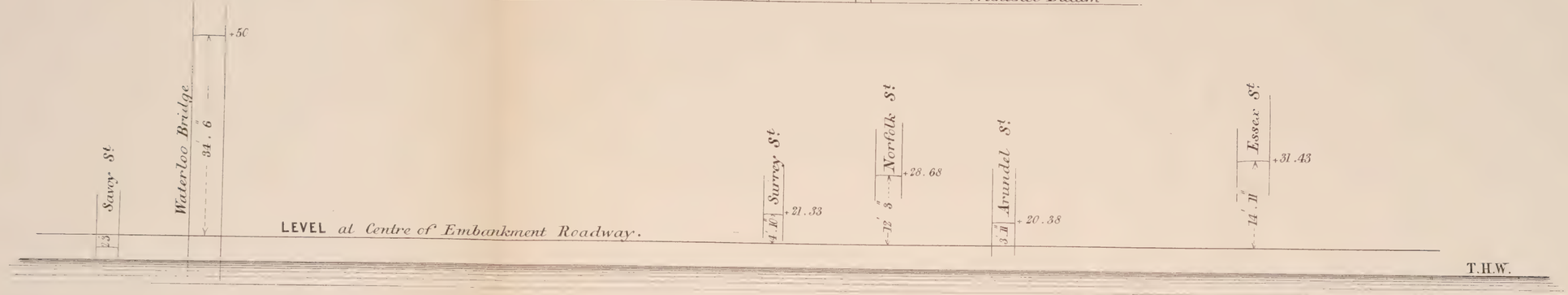
No. 4.

RECEIVED
APR 11 1861
SPARE MAN

SECTIONS OF STREETS
ON THE
RIVER SIDE OF THE STRAND
SHEWING THEIR LEVELS IN REFERENCE TO THE
MAIN EMBANKMENT ROADWAY.

WATERLOO BRIDGE





LONGITUDINAL SECTION *of Embankment Roadway shewing Levels at River Ends of Existing Streets on the South Side of the Strand.*

Ordnance Datum.

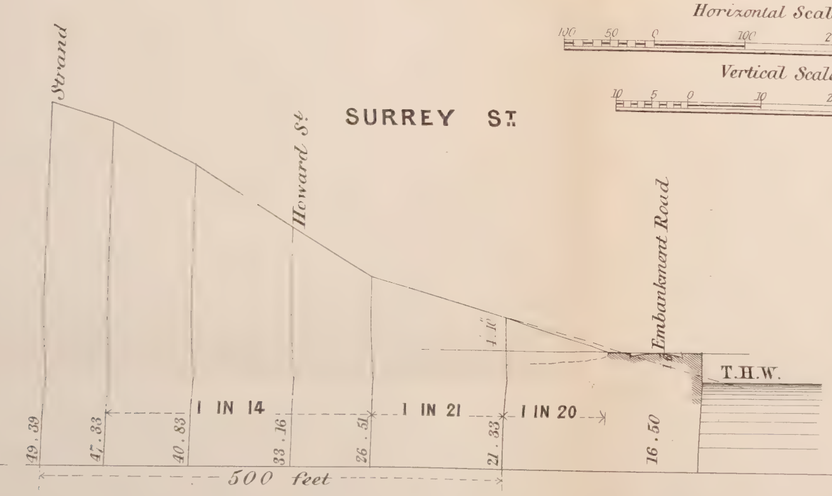
Horizontal Scale 132 feet — 1 Inch

100 50 0 100 200 300 400 500 FEET.

Vertical Scale 16½ feet — 1 Inch

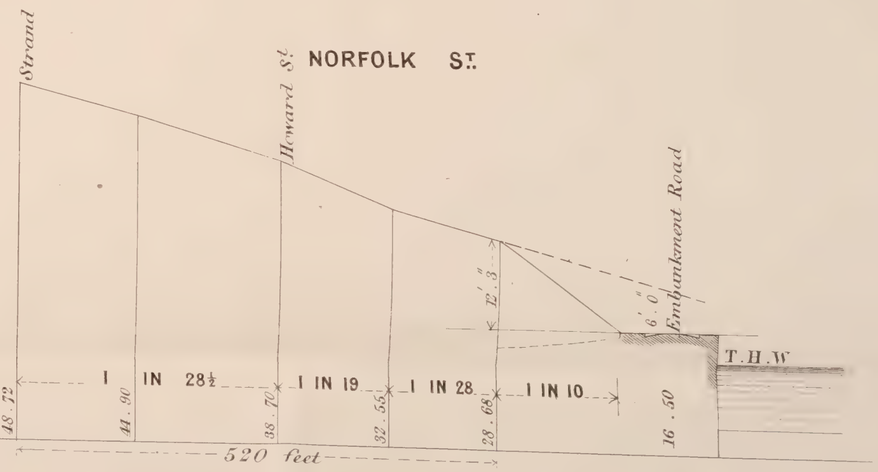
10 5 0 10 20 30 40 50 FEET.

SURREY ST.

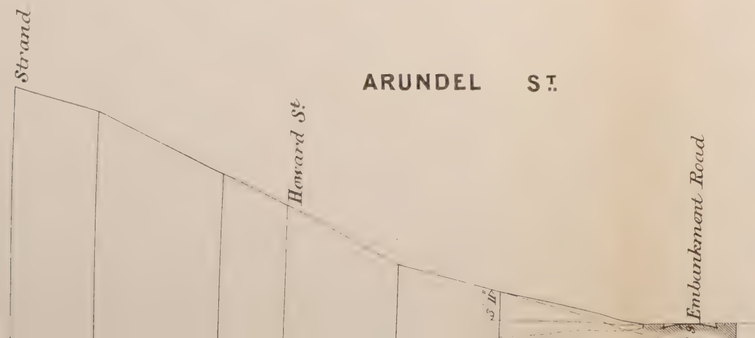


Ordnance Datum

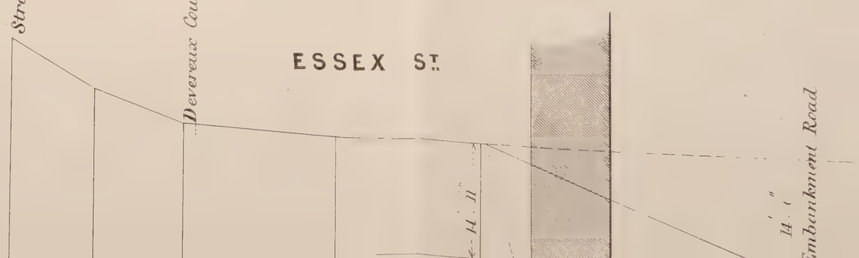
NORFOLK ST.



ARUNDEL ST.



ESSEX ST.



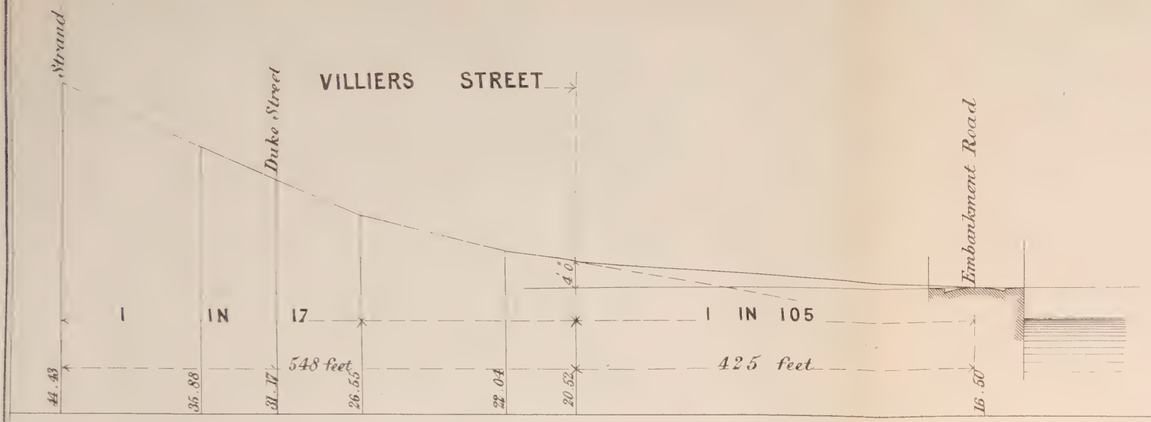
SECTIONS OF STREETS

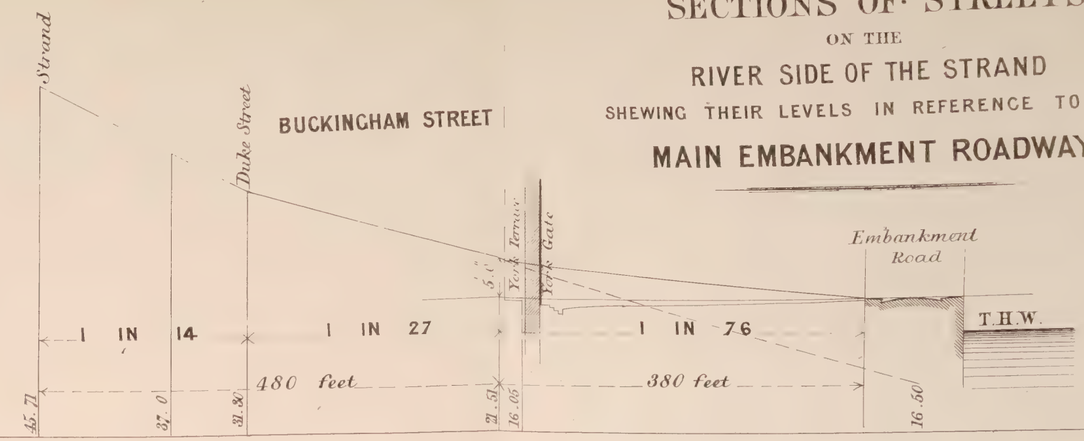
ON THE

RIVER SIDE OF THE STRAND

SHEWING THEIR LEVELS IN REFERENCE TO THE

MAIN EMBANKMENT ROADWAY.





Horizontal Scale 132 feet — 1 Inch

100 50 0 100 200 300 400 500 FEET.

Vertical Scale 16½ feet — 1 Inch

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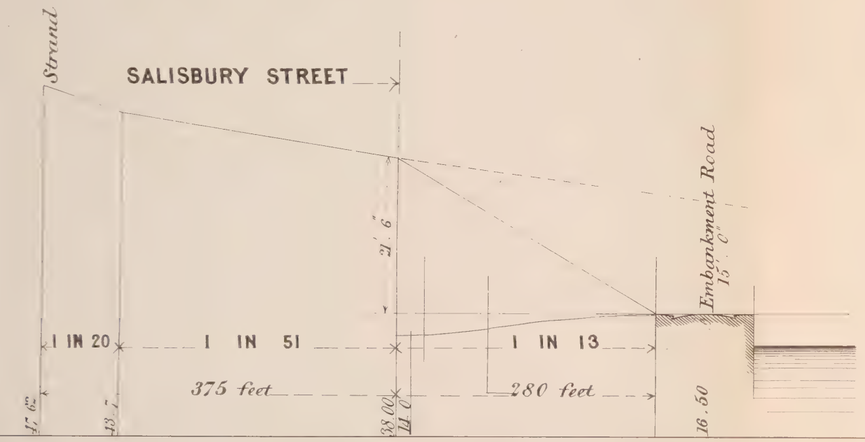
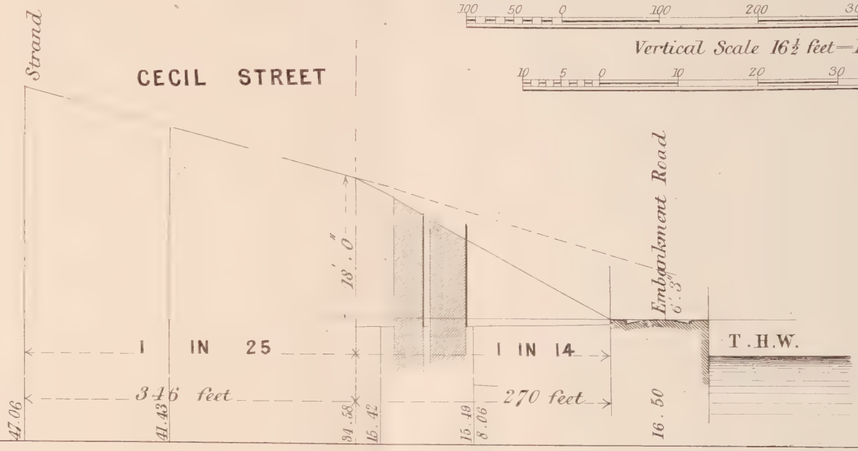
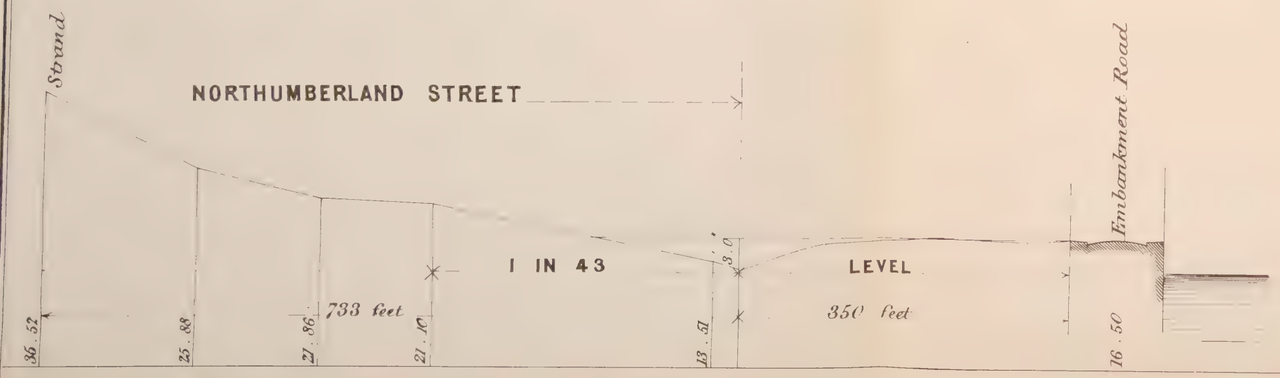
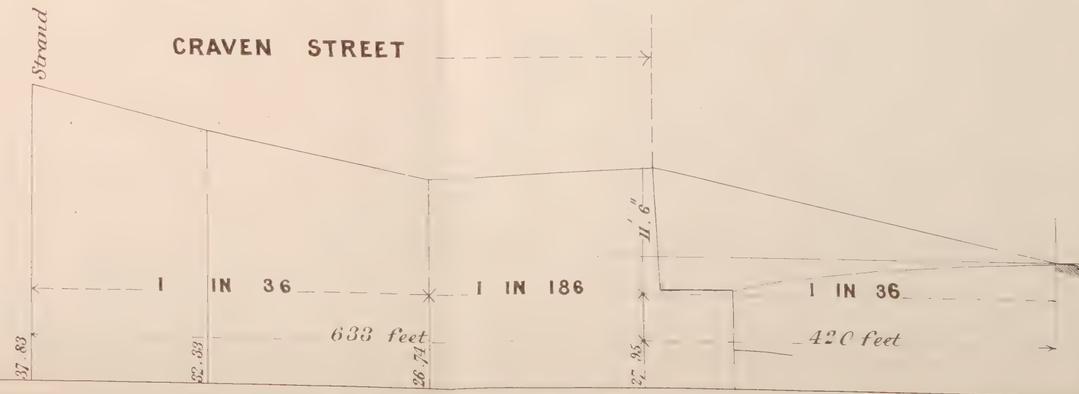
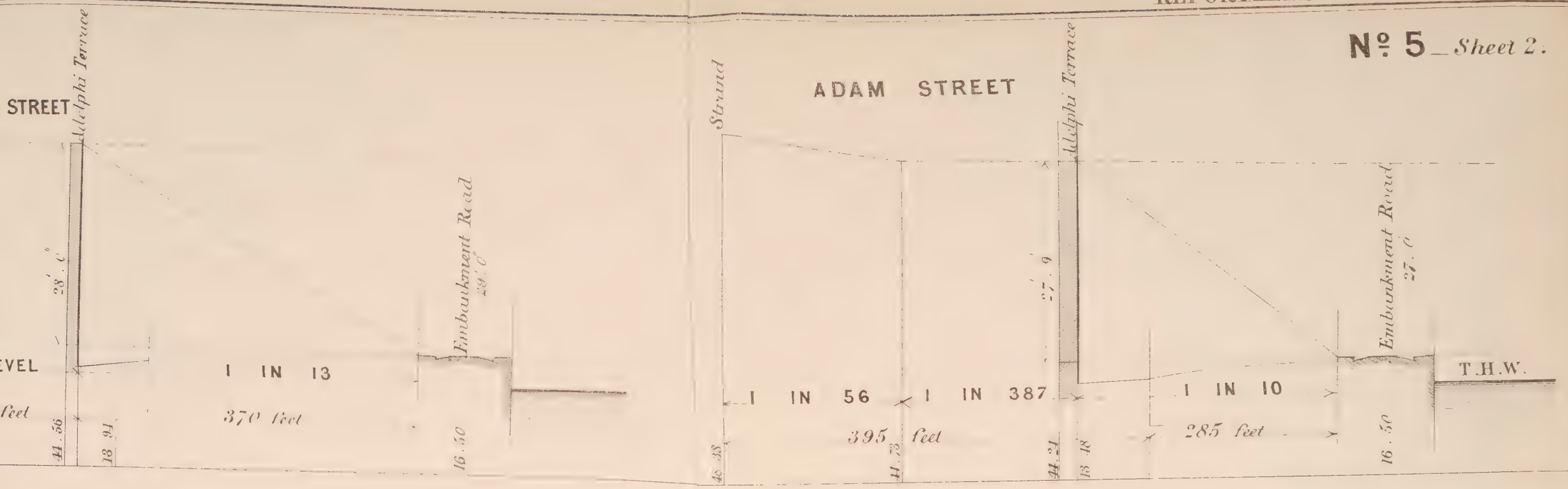


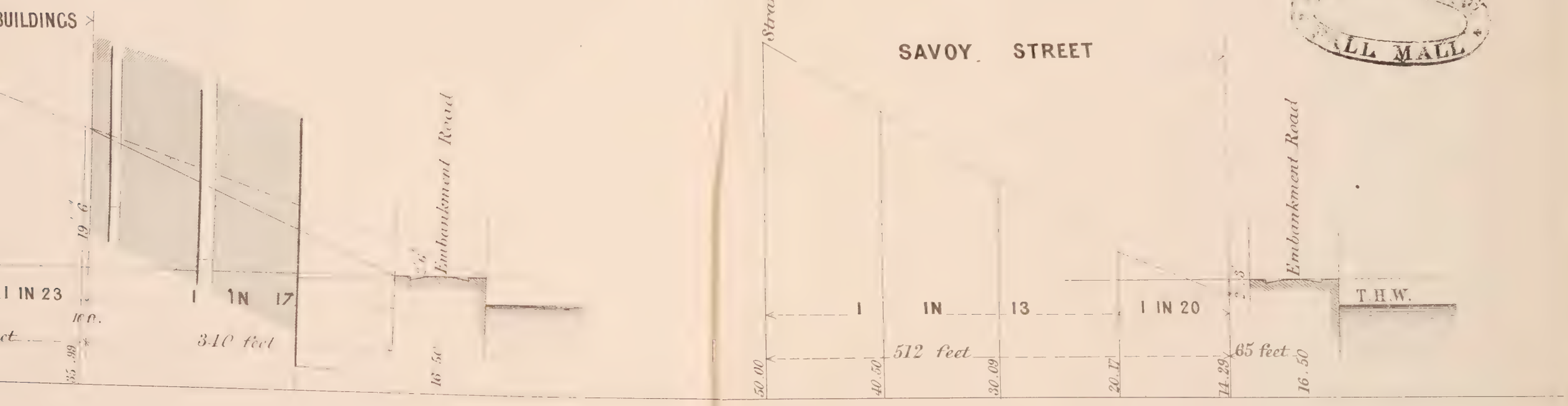


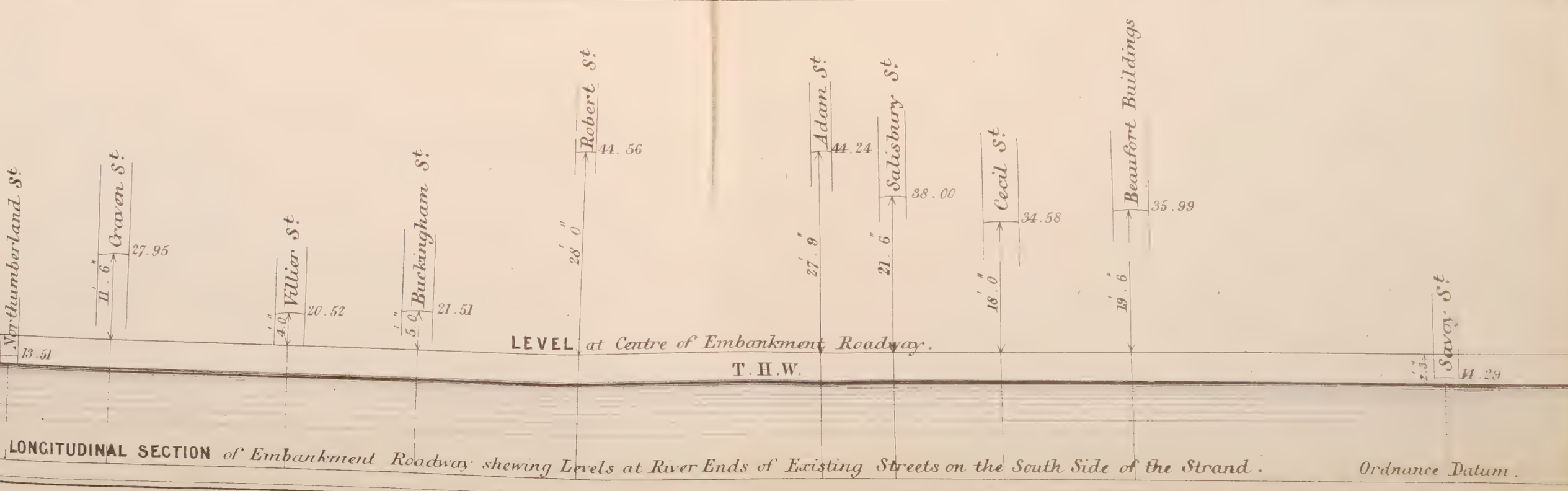




Nº 5 *Sheet 2.*







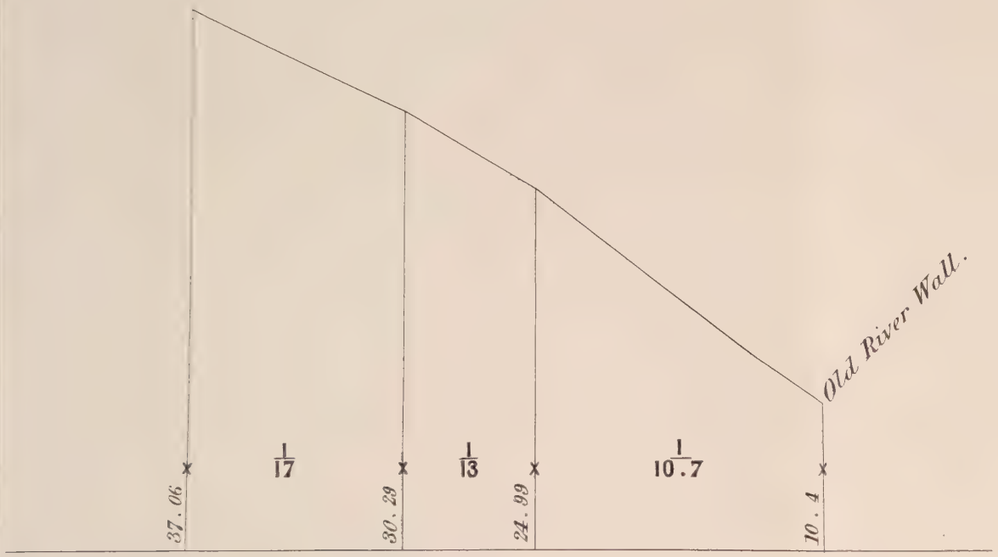
LONGITUDINAL SECTION *of Embankment Roadway shewing Levels at River Ends of Existing Streets on the South Side of the Strand.* *Ordnance Datum.*

No. 6.

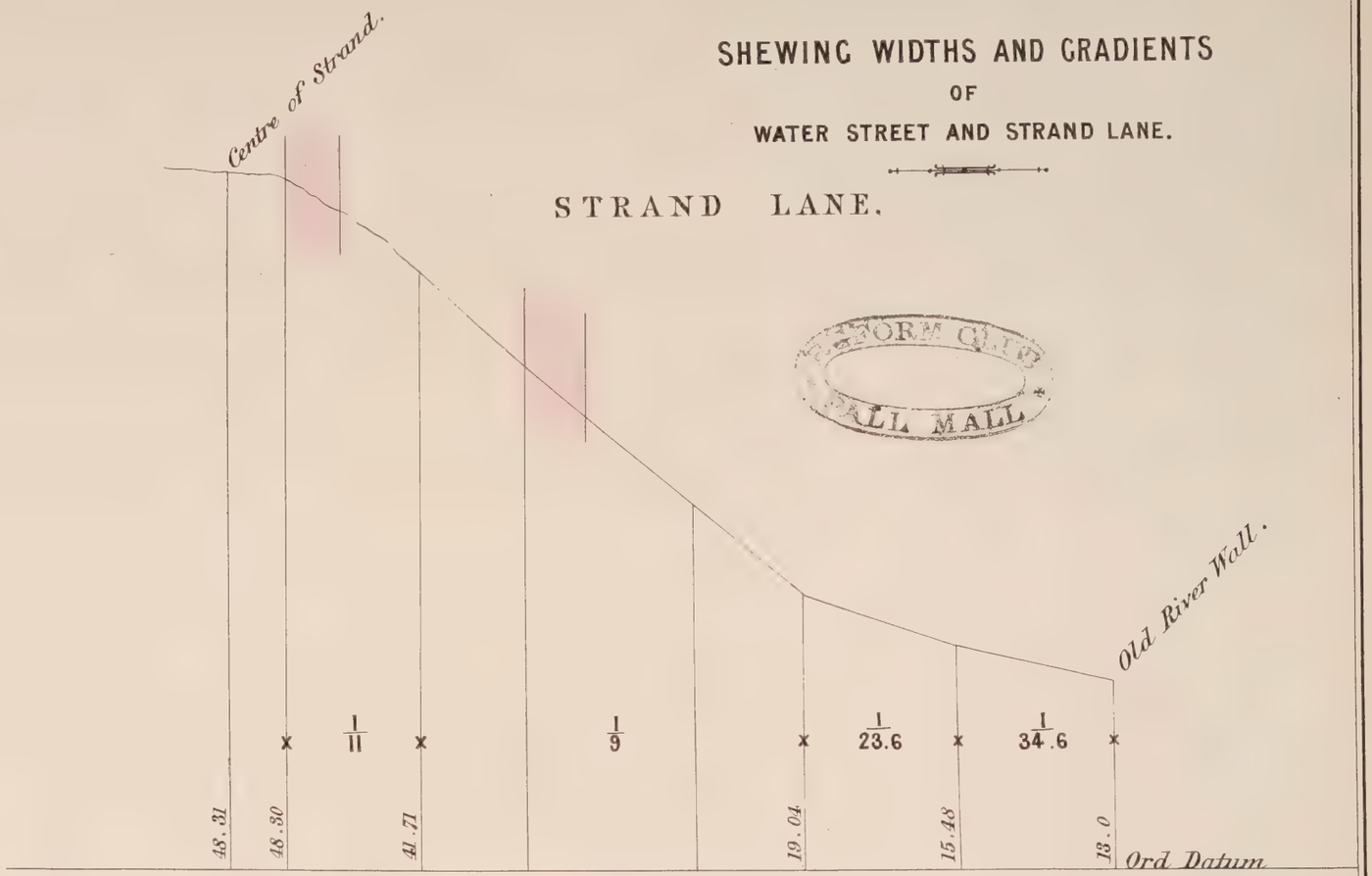
PLANS & SECTIONS,

SHEWING WIDTHS AND GRADIENTS OF WATER STREET AND STRAND LANE.

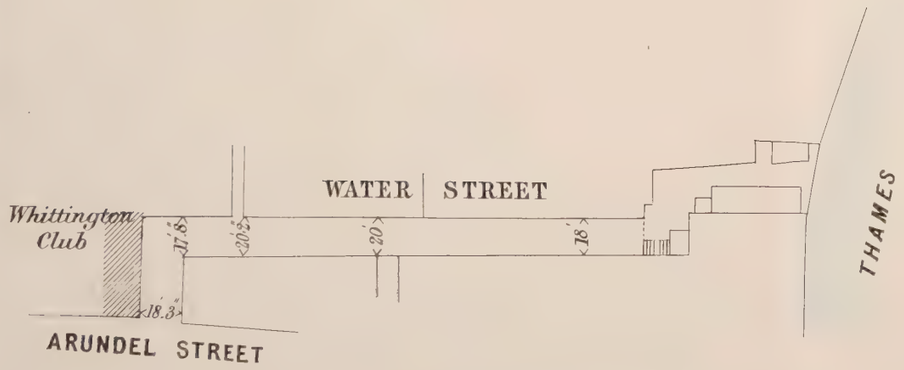
WATER STREET.

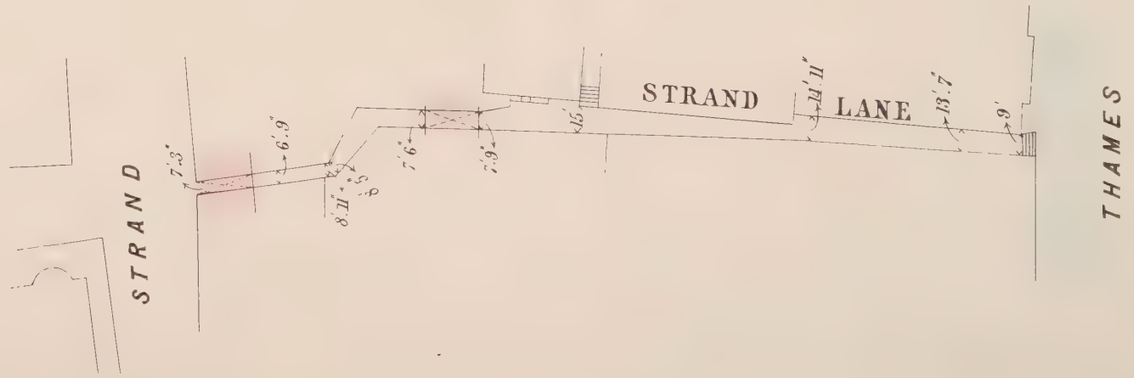


STRAND LANE.



STORM CLUB
PALL MALL

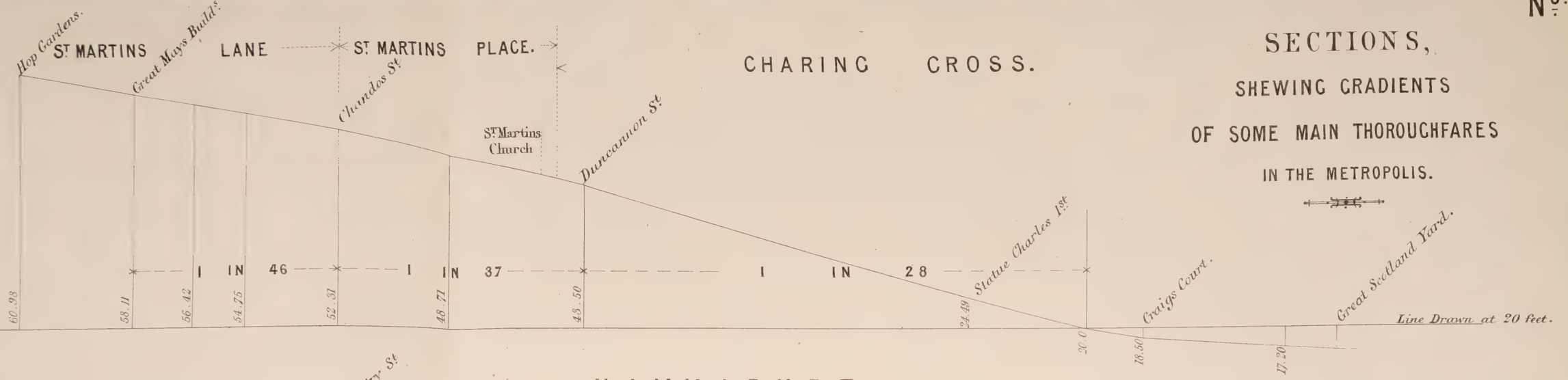


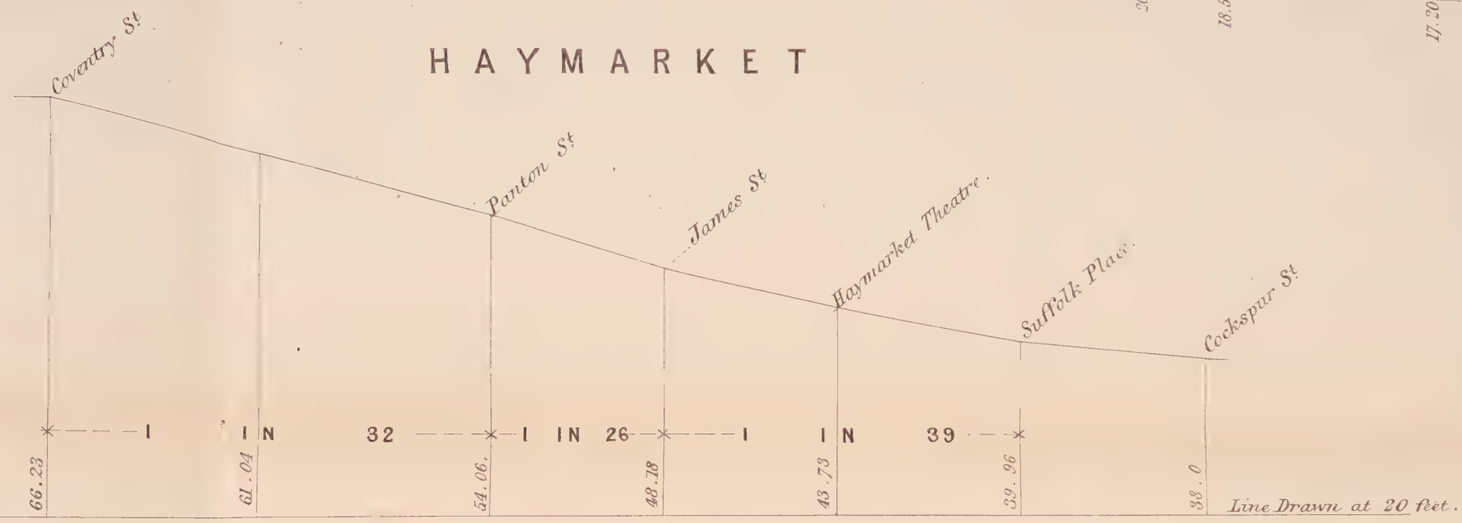


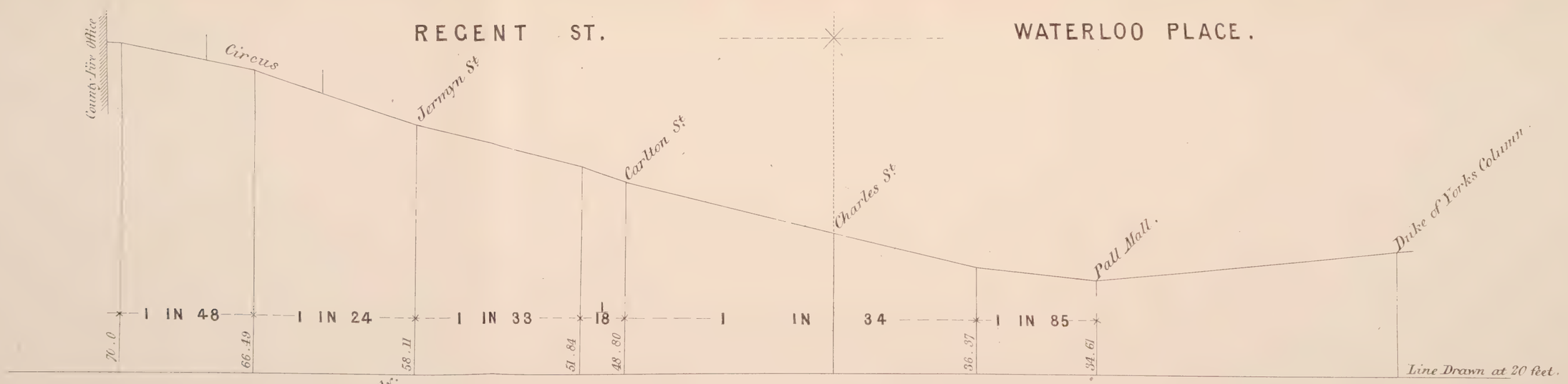
No. 7.

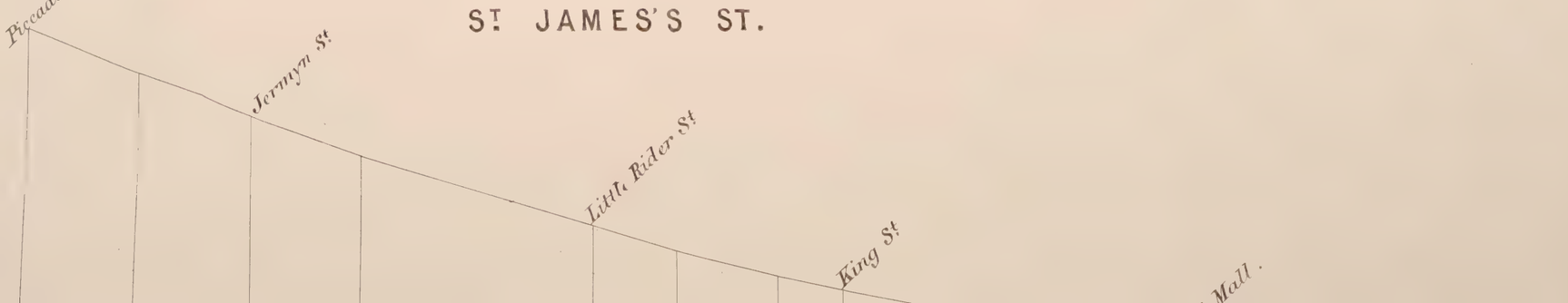
SECTIONS,

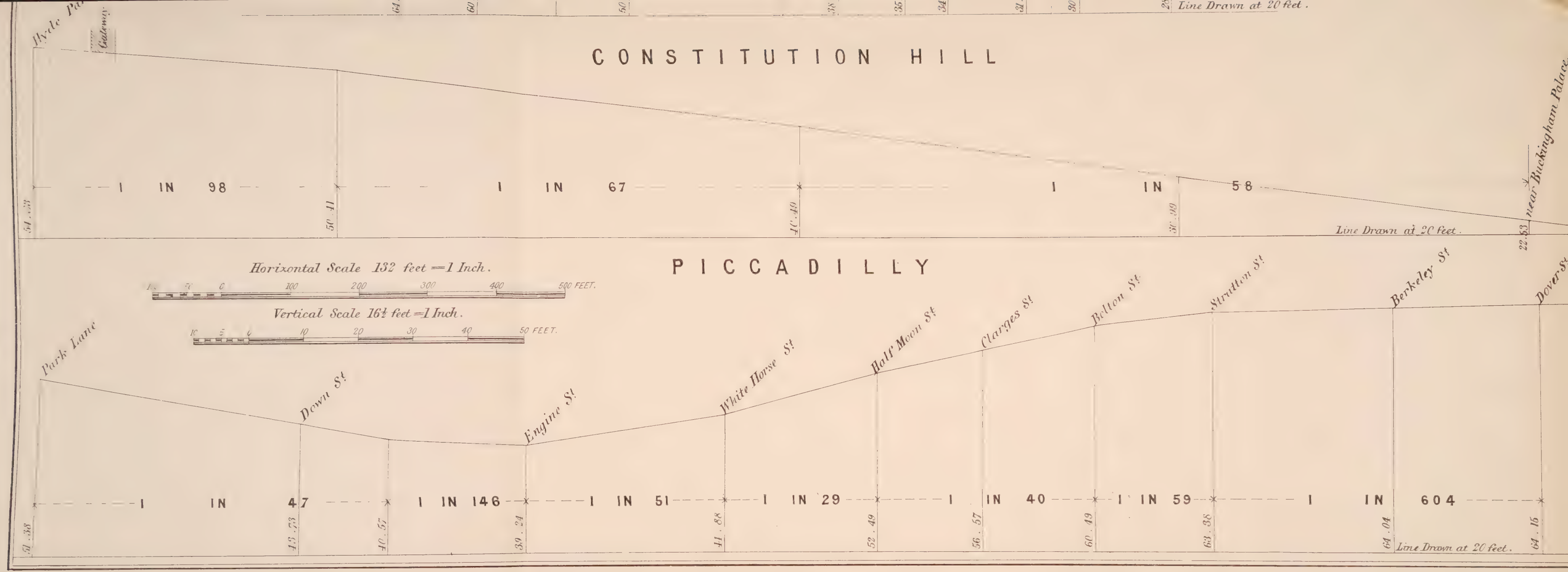
SHEWING GRADIENTS OF SOME MAIN THOROUGHFARES IN THE METROPOLIS.










Hyde Park
Gateway
CONSTITUTION HILL
1 IN 98
1 IN 67
1 IN 58
54.33
50.41
40.49
36.99
Line Drawn at 20 feet.
near Buckingham Palace
22.53
Horizontal Scale 132 feet = 1 Inch.
0 100 200 300 400 500 FEET.
Vertical Scale 16½ feet = 1 Inch.
0 10 20 30 40 50 FEET.
PICCADILLY
Park Lane
Down St.
Engine St.
White Horse St.
Half Moon St.
Clarges St.
Bolton St.
Stratton St.
Berkeley St.
Dover St.
1 IN 47
1 IN 146
1 IN 51
1 IN 29
1 IN 40
1 IN 59
1 IN 604
43.38
43.73
40.55
39.24
41.88
52.49
56.57
60.49
63.38
64.04
64.15
Line Drawn at 20 feet.

Appendix, No. 2.

PLANS

Delivered in by Mr. *James Pennethorne.*

To the Chairman of the Hungerford Bridge and Wellington-street Viaduct Committee. App. No. 2.

My Lord,

HEREWITH I have to lay before you two Plans, viz.:—

No. 1. A Plan prepared as directed by you, to show a Curved Road from Charing Cross to the Thames Embankment, without reference to other subjects.

No. 2. The Plan for the same Road, laid by me before the Committee on the 19th instant, and to which my evidence refers.

With regard to the two improvements shown by the Plan No. 1, I think that, although no Estimate has been made, it might not be unreasonable to expect the Costs to be as follows:—

	£.
1. For the Curved Road from Charing Cross to the Embankment, after taking credit for the returns - - - - -	200,000
2. For the widening of Charing Cross - - - - -	150,000
TOTAL Net Cost of both - - - £.	350,000

I have, &c.

29 April 1869. (signed) *James Pennethorne.*

LIST OF PLANS.

No. 1.—Copy of Plan B, ordered by the House of Commons to be printed 7th July 1868, with an addition thereto of a Curved Road from Charing Cross to the Thames Embankment Railway, also of Charing Cross widened from Northumberland House to Whitehall Place.

No. 2.—Plan for a Curved Road from Charing Cross to the Thames Embankment Roadway, and also for widening Charing Cross.

SAINT JAMES'S PARK
THE PARADE
GREAT GEORGE STREET
PARLIAMENT STREET
WHITEHALL
PALL MALL
HAYMARKET
COCKSPUR STREET
CHARING CROSS
20.6
3.0
12.0
21.0
WHITEHALL YARD
WHITEHALL PLACE
GREAT SCOTLAND YARD
Building Ground
HOUSE
NORTHUMBERLAND
WEST

Nº 1.

COPY OF PLAN. B. *Ordered by the House of Commons to be printed 7th July 1868 with an addition thereto of a Curved Road from Charing Cross to the Thames Embankment Roadway also of Charing Cross widened from Northumberland House to Whitehall Place.*

The four plots of ground colored Blue containing altogether about 10000 yards sup.e would be available for letting for building purposes.

The part colored dark Green would be left annexed to Northumberland House. The figures (4.0) shew the levels above Trinity datum.

James Pennethorne
April 29: 1869.

Nº 2.

Plan for a Curved Road from Charing Cross to the Thames Embankment Roadway, and also for widening Charing Cross.
The part colored Red shews how if this plan should be adopted the whole of the Crown Whitehall Estate could be laid out for the erection of Public Offices as a revival of Inigo Jones's design for Whitehall Palace.

N.B. The dotted Blue lines shew the straight line of Road proposed by the Metropolitan Board of Works.
The figures (4.0) shew the levels above Trinity datum.

James Pennethorne
April 29th 1869.

REFORM CLUB
PALL MALL

Appendix, No. 3.

PAPERS handed in by Mr. *Cole*, C.B., 3 May 1869.

(*Private and Confidential.*)

MEMORANDUM on Measures to be adopted for preventing Excess over the Original Estimates of the Cost of Public Buildings. App. No. 3.

1. THE system of paying an architect by a per-centage on the sum expended on a building, places him at once in a wrong position with regard to his clients. An architect's interest and his duty are thus diametrically opposed.

2. Again, if he be at all eminent, however well disposed he may be to consult his clients' interest in preference to his own, he has, in the present day, so much work on hand that it is absolutely impossible for him to pay proper attention and to do justice to all that he undertakes. Hence arise the constant complaints of ill-arranged buildings—ill-adapted to their objects because ill-considered. His designs, of which all but the general outline are probably the perfunctory work of pupils and assistants, require constant alterations and additions as the work proceeds, and eventually the original estimates are enormously exceeded, to the architect's pecuniary advantage.

3. In a private building the strong personal interest of those who have to pay does to some extent keep the architect in check. In the case of a public building there is no such interest, nor is there a sufficient concentration of authority or technical knowledge in the department for whom the building is being constructed to have any control. It is therefore essential in the case of a public building not to leave the whole matter in the hands of the architect, but to appoint some competent person to act on behalf of the department concerned, to formulate its views and requirements, and to see that they are complied with, not only in the original design, but as alterations suggest themselves in the progress of the work.

4. For this purpose it would appear most desirable to select an officer of the Royal Engineers. The Government can always obtain information as to the qualifications of officers of Engineers, their services can be commanded at a moderate cost, and they can return to their corps when no longer required.

5. It would appear then that the requirements of all public buildings should be definitely laid down by the heads of departments who are to occupy them, in concert with some officer of Royal Engineers. These should then be placed in the hands of an architect, the officer of Engineers being responsible for seeing that the architect duly provides for the requirements.

6. Or, it would be still better, before any architect had been engaged, that preliminary plans and sections should be prepared by the officer of Engineers; and that a rough block model should be made, to enable the unprofessional persons who are interested to understand what is meant by the plans and sections.

7. After it is agreed that such plans, sections, and block model, fulfil the requirements of the case, then and not till then, the architect should be called upon to enter upon the artistic completion of the exterior and interior.

8. The officer of Royal Engineers and the heads of departments for whose use the buildings are made would see that in any change proposed by the architect the necessary conditions are all maintained.

9. Tenders might then be obtained for as much of the construction of the buildings as would not be likely to be modified during the progress of the work, accompanied with schedules of prices sufficiently full to embrace all the trades likely to be required for the building.

10. At different stages of the progress of the work a surveyor should measure up the work and advise whether the contract in respect of cost is being maintained, and no deviations from the contract should be allowed which had not received the previous authorization of the officer of Royal Engineers.

11. The contracts should be drawn in such a manner as to render the decision of the officer of Royal Engineers and the surveyor on the value of the deductions from and additions to the original contracts binding on the contractor.

12. The remuneration of the architect should not be based upon a per-centage of cost. He should have a fixed liberal salary, to last for a definite period.

13. As well for artistic as economical considerations it is important that his whole time should be at the service of the Government, and that he should not undertake any other work whatever during the period of his engagement with the Government. It would be preferable to have the whole time of a talented young architect than a portion of the time of an architect in full practice,

App. No. 3.

much of whose best time must be spent in travelling by railway, and who must trust to assistants. If, as is probable in some cases, an architect must be employed whose whole time cannot be given to Government, then care should be taken to have a talented architect who can be constantly supervising the work.

14. The payment for all drawings, models, &c., made by the architect's assistants, should be paid direct by the Government to them.

15. The mode in which it is the custom to prepare plans and models of the buildings at South Kensington Museum is described at page 200, Appendix D. 15th Report of the Science and Art Department for 1867–8.

27 January 1869. *H. C.*

General Method of executing Buildings at the South Kensington Museum.

1. General principles of the nature of the accommodation required in the buildings, such as size of courts, corridors, lighting, &c., are discussed between the director and the engineer. [A Royal Engineer.]

2. The engineer then prepares experimental plans and sections, having regard, primarily, to the above requirements, and secondly to decorative construction subject to these requirements. At this stage the engineer consults with the artists and modellers to be subsequently employed on the architectural details. [Several plans generally prepared.]

3. Block models are then made, but without inserting architectural details. [Several models are generally made, and experiments tried and discussed with the director.]

4. When the block model has been settled the structural plans are finally made by engineer, and working drawings proceeded with.

5. To obtain the architectural and decorative details, structural plans with sketches are sent to the studios of artists, who are as well both modellers and painters.

6. The engineer, in concert with the artists, settles the architectural details, which are generally submitted to Inspector-General for Art for suggestions, but the engineer remains solely responsible. [Many experiments by drawing and models are made.]

7. Architectural model with details are prepared. [Numerous experiments are made, frequent discussions are had with Inspector-General for Art and others, and no trouble or cost are spared at this stage before the decision is finally made.]

8. If necessary, an architectural drawing to the full size in perspective is made, and put up and subjected to criticism.

9. Plans being finally settled, quantities are taken out by the surveyors, and a limited competition among contractors invited.

10. Models of the architectural details are made in artist's studio, superintended by the engineer.

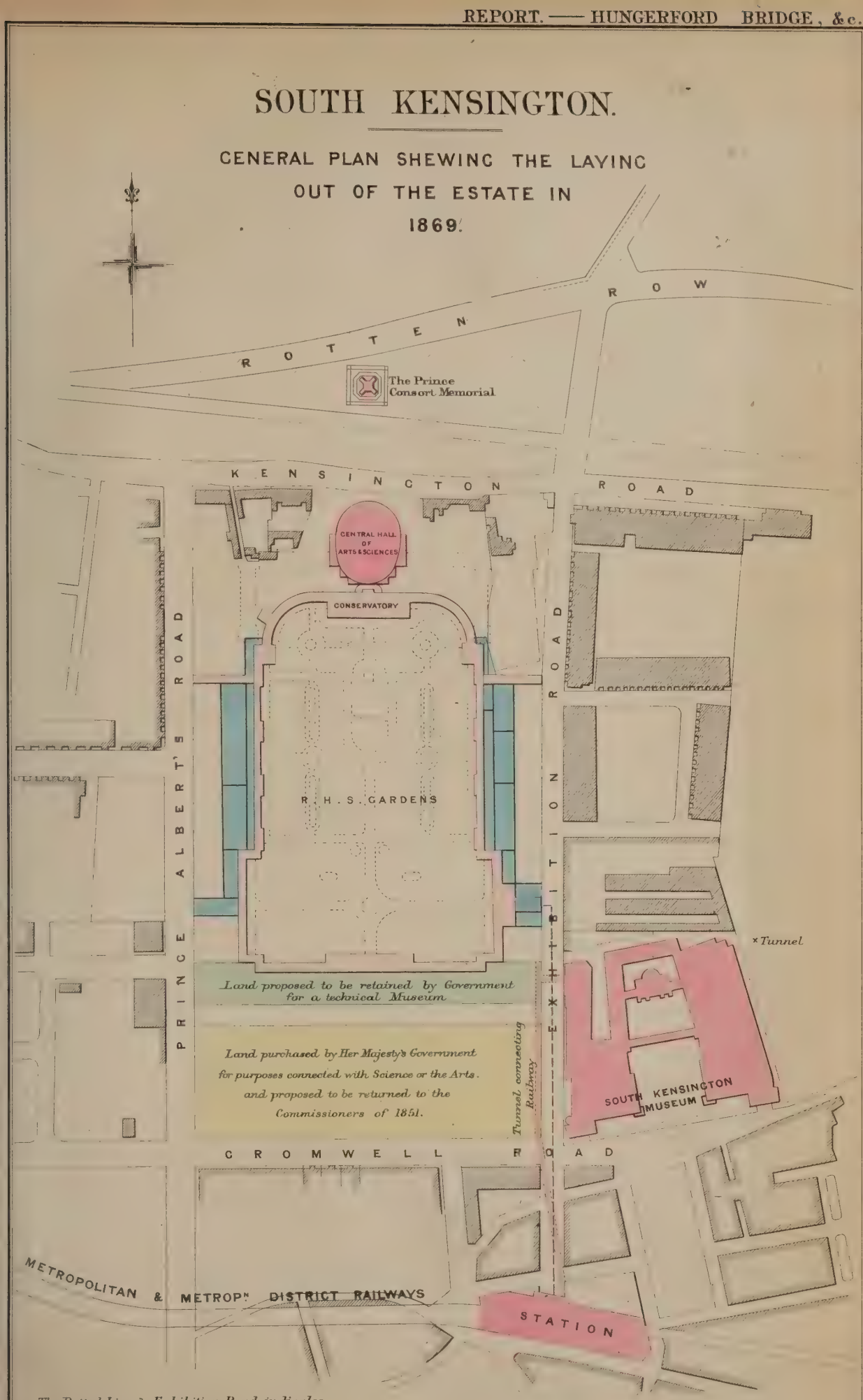
11. By taking all this trouble and incurring the cost of experiments, failures and alterations are very much avoided and final economy is insured.

12. The highly decorative buildings at South Kensington in terra-cotta and red brick have cost under 1*s.* the cubic foot, exclusive of mosaics, decorative paintings, and the like. This is below the cost of an ordinary London house of the first class. After six years the surfaces and colour, terra-cotta, and brickwork are but slightly affected by the smoke and atmosphere, compared with Portland stone.

December 1867.

SOUTH KENSINGTON.

GENERAL PLAN SHEWING THE LAYING OUT OF THE ESTATE IN 1869.


ROTTEN ROW
The Prince Consort Memorial
KENSINGTON ROAD
CENTRAL HALL OF ARTS & SCIENCES
CONSERVATORY
R. H. S. GARDENS
PRINCE ALBERT'S ROAD
EXHIBITION ROAD
Land proposed to be retained by Government for a technical Museum
Land purchased by Her Majesty's Government for purposes connected with Science or the Arts, and proposed to be returned to the Commissioners of 1851.
Tunnel connecting Railway
× Tunnel
SOUTH KENSINGTON MUSEUM
CROMWELL ROAD
METROPOLITAN & METROPN DISTRICT RAILWAYS
STATION

The Dotted Line in Exhibition Road indicates approximately the Line of Proposed covered Communication from the Hall and Royal Horticultural Gardens to the Railway Station.

100 0 100 200 300 400 500 600 700 800 900 1000 Feet

Appendix, No. 4.

PLANS

Delivered in by Mr. *Waterhouse*, Nos. 1 to 4.

No. 1.

REFORM CLUB
PALL MALL

CHARING CROSS
RAILWAY TERMINUS

VILLIERS STREET
BUCKINGHAM STREET
OFF ALLEY
OFF ALLEY
GEORGE COURT
DUKE STREET
JAMES STREET
WILLIAM STREET
DURHAM STREET
STRAND
JOHN STREET
ADAM STREET
ROBERT STREET
GEORGE STREET
BUCKINGHAM STREET
YORK
TERRACE
ADELPHI TERRACE
SALISBURY STREET
CECIL STREET
CARTING LANE
HERBERTS PASSAGE
BEAUFORT BUILDINGS
HERBERTS PASSAGE
FOUNTAIN COURT
SAVOY HILL
SAVOY CHAPEL
CHURCH ROW
SAVOY STREET
SAVOY STREET
WELLINGTON STREET
SOMERSET HOUSE
CRADIENT 1 IN 32
CRADIENT 1 IN 30
NATURAL HISTORY MUSEUMS
TERRRACE
EMBANKMENT
BRIDGE

No. 3.

REFORM CLUB
PALL MALL

STRAND

CHARING CROSS RAILWAY TERMINUS

VILLIERS STREET

OFF ALLEY

BUCKINGHAM STREET

OFF ALLEY

GEORGE COURT

JAMES STREET

WILLIAM STREET

DURHAM STREET

DUKE STREET

ADAM STREET

SALISBURY STREET

CECIL STREET

CARTING LANE

HERBERTS PASSAGE

BEAUFORT BUILDINGS

HERBERTS PASSAGE

FOUNTAIN COURT

SAVOY HILL

SAVOY CHAPEL

CHURCH ROW

SAVOY STREET

SAVOY STREET

WELLINGTON STREET

SOMERSET HOUSE

BUCKINGHAM STREET

GEORGE STREET

ROBERT STREET

JOHN STREET

YORK TERRACE

GRADIENT 1 IN 34

GRADIENT 1 IN 31

HISTORY

NATURAL

MUSEUMS

TERRACE

TERRACE

TERRACE

TERRACE

GRADIENT 1 IN 34

GRADIENT 1 IN 31

EMBANKMENT

LOO BRIDGE

REFORM CLUB
PALL MALL

CHARING CROSS
RAILWAY TERMINUS

VILLIERS STREET

OFF LANE

CRADIENT 1 IN 225

DUKE STREET

JAMES STREET

WILLIAM STREET

DURHAM STREET

STRAND

ADAM STREET

SALISBURY ST

CECIL STREET

CARTING LANE

HERBERTS PASSAGE

BEAUFORT BUILDINGS

HERBERTS PASSAGE

FOUNTAIN COURT

SAVOY HILL

SAVOY CHAPEL

SAVOY STREET

BUCKINGHAM STREET

CRADIENT 1 IN 31

CRADIENT 1 IN 28½

NATURAL HISTORY MUSEUMS

TERRACE

GARDEN

GARDEN

GARDEN

TERRACE

TERRACE

EMBANKMENT

WELLINGTON STREET

SOMERSET HOUSE

WATERLOO BRIDGE

SECOND

REPORT

FROM THE

SELECT COMMITTEE

ON

HUNGERFORD BRIDGE

AND

WELLINGTON-STREET VIADUCT;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
2 *August* 1869.

Tuesday, 23rd February 1869.

Ordered, THAT a Select Committee be appointed to inquire into the Roadway and Viaduct proposed to be made on the Thames Embankment from Hungerford Bridge to Wellington-street, Strand, and whether the Site might not be more advantageously occupied by some Public Building; also to inquire whether any, and if so what, controlling power over Public Works in the Metropolis is vested in and exercised by any Government Department.

Tuesday, 2nd March 1869.

Ordered, THAT the Select Committee do consist of Seventeen Members.

Committee nominated of—

Lord Elcho.	Mr. Beresford Hope.
Mr. Layard.	Mr. Buxton.
Mr. William Cowper.	Viscount Bury.
Lord John Manners.	Captain Dawson-Damer.
Mr. Bentinck.	Viscount Sandon.
Mr. Sclater-Booth.	Mr. M'Clean.
Mr. Tite.	Mr. Alderman Lawrence.
Mr. William Henry Smith.	Mr. Dilke.
Mr. Gregory.	

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Thursday, 11th March 1869.

Thames Embankment.—*Ordered,* THAT the Petition from St. Paul's, Covent Garden, against Abandonment of proposed Roadway, be referred to this Committee.

Tuesday, 23rd March 1869.

Thames Embankment.—*Ordered,* THAT the Petition from the Vestry of St. James, Westminster, for delay of Roadway until further inquiry has been instituted as to its necessity [presented 19th February], be referred to this Committee.

Tuesday, 6th April 1869.

Ordered, THAT it be an Instruction to the Committee that they have power to inquire and report as to all the lateral Communications intended to be made with the Embankment Roadway.

Friday, 9th April 1869.

Ordered, THAT it be an Instruction to the Committee to inquire and report specially to The House whether any Public Buildings now existing or that may hereafter be erected on the Thames Embankment Site, are likely to be injuriously affected by the Metropolitan District Railway, or by any other Railway or Railways now in progress or sanctioned by Parliament on the Embankment; and, if so, whether it would be possible, in the construction of the Railways, to guard against such injury.

Monday, 10th May 1869.

Ordered, THAT the Committee have power to report their Opinion and Observations, together with the Minutes of Evidence taken before them, from time to time to The House.

REPORT - - - - - - - - - - - - - - - p. iii
PROCEEDINGS OF THE COMMITTEE - - - - - - - p. iv
MINUTES OF EVIDENCE - - - - - - - - - - p. 1

SECOND REPORT.

THE SELECT COMMITTEE appointed to inquire into the ROADWAY and VIADUCT proposed to be made on the THAMES EMBANKMENT from HUNGERFORD BRIDGE to WELLINGTON-STREET, STRAND, and whether the Site might not be more advantageously occupied by some Public Building; also to inquire whether any, and if so what, controlling power over Public Works in the Metropolis is vested in and exercised by any Government Department; and who were instructed that they have power to inquire and report as to all the lateral Communications intended to be made with the Embankment Roadway; and who were further instructed to inquire and report especially to The House, whether any public buildings now existing, or that may hereafter be erected on the Thames Embankment Site, are likely to be injuriously affected by the Metropolitan District Railway, or by any other Railway or Railways now in progress or sanctioned by Parliament on the Embankment; and, if so, whether it would be possible, in the construction of the Railways, to guard against such injury;—HAVE made further progress in the Matters to them referred, and have come to the following RESOLUTIONS, which they have agreed to report to the House:—

1. THAT no general control over works and buildings in the metropolis, constructed under Parliamentary sanction, is at present vested in any Government or public officer or department, other than that now exercised by Departments of Government over the buildings that are under their superintendence.

2. That the design and execution of unsightly works, such as the Charing-cross Railway station, and the railway bridges across the streets and roadways of the metropolis, as well as the juxta-position of the London, Chatham, and Dover Railway Bridge, and the New Blackfriars Bridge, across the Thames, may be reasonably attributed to the fact that railway, gas, water, and other public companies, or corporate and chartered bodies have not been hitherto required to deposit any designs, elevations, or models of projected works or buildings when applying for Parliamentary powers.

3. That having regard to the improvement of the metropolis, and as a security against its further disfigurement, it is desirable that whenever any public company or corporate body applies for Parliamentary powers to enable it to execute any works, or erect any buildings in the metropolis, or to raise money for the execution or erection of such works or buildings, it should, before coming to Parliament, deposit at the office of the Commissioners of Her Majesty's Works and Public Buildings, plans and elevations, designs or models, in like manner as railway companies are now obliged to deposit plans and sections at the Board of Trade, and the Committee recommend that the Standing Orders be amended, so as to effect this object.

4. That the First Commissioner of Works should Report to Parliament on such plans and elevations, designs or models, and that such Reports should be referred to the Committees on Private Bills in the same manner as the Reports from the Board of Trade and Admiralty are now referred.

2 *August* 1869.

PROCEEDINGS OF THE COMMITTEE.

Monday, 7th June 1869.

MEMBERS PRESENT:

Lord ELCHO in the Chair.

Mr. Layard.	Mr. Tite.
Mr. Beresford Hope.	Mr. Bentinck.
Lord John Manners.	Mr. M'Clean.
Mr. W. Cowper.	Mr. W. H. Smith.
Mr. Buxton.	Captain Dawson Damer.
Viscount Sandon.	

Sir *J. Thwaites* examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 14th June 1869.

MEMBERS PRESENT:

Lord ELCHO in the Chair.

Mr. Layard.	Sir Charles Dilke.
Mr. W. Cowper.	Mr. Alderman Lawrence.
Mr. Bentinck.	Mr. Beresford Hope.
Mr. Gregory.	Lord John Manners.

Mr. *W. Cowper* (a Member of the Committee) and Mr. *Layard* (a Member of the Committee) were severally exaamined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 21st June 1869.

MEMBERS PRESENT:

Lord ELCHO in the Chair.

Mr. Layard.	Mr. Beresford Hope.
Mr. W. Cowper.	Mr. Buxton.
Mr. Gregory.	Mr. Tite.
Mr. Alderman Lawrence.	Sir Charles Dilke.
Lord John Manners.	Mr. Bentinck.
Viscount Sandon.	Mr. Smith.

Lord *John Manners* (a Member of the Committee) and Mr. *Henry Cole*, C.B., were severally examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 28*th June* 1869.

MEMBERS PRESENT:

Lord Elcho in the Chair.

Lord John Manners.	Mr. Bentinck.
Mr. Alderman Lawrence.	Mr. Gregory.
Mr. Beresford Hope.	Mr. Layard.
Mr. M'Clean.	Mr. Buxton.
Mr. W. Cowper.	Mr. William Henry Smith.

Mr. *William Corrie* examined.

Mr. *Beresford Hope* handed in a portion of an address delivered by him as President of the Institution of British Architects, in the year 1865.

Mr. *Redgrave* examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 2*nd July* 1869.

MEMBERS PRESENT:

Lord Elcho in the Chair.

Mr. M'Clean.	Mr. Gregory.
Mr. Buxton.	Mr. Beresford Hope.

Mr. *Beresford Hope* (a Member of the Committee) and Mr. *George Russell* were severally examined.

[Adjourned till Friday, the 30th instant, at One o'clock.

Friday, 30*th July* 1869.

MEMBERS PRESENT:

Lord Elcho in the Chair.

Sir William Tite.	Mr. Sclater-Booth.
Lord John Manners.	Mr. Alderman Lawrence.
Mr. Layard.	Mr. Buxton.
Mr. William Cowper.	Mr. Bentinck.
Mr. Beresford Hope.	Mr. W. H. Smith.

Motion made, and Question, "1. That no general control over works and buildings in the metropolis constructed under Parliamentary sanction is at present vested in any Government or public officer or department, other than that now exercised by the departments of Government over the buildings that are under their superintendence"—(The *Chairman*)—put, and *agreed to.*

Motion made, and Question proposed, "2. That the design and execution of unsightly works, such as the Charing-cross Railway Station, and the railway bridges across the streets and roadways of the metropolis, as well as the juxta-position of the London, Chatham, and Dover Railway Bridge, and the New Blackfriars Bridge, across the Thames, may be reasonably attributed to the want of such control; railway, gas, water, and other public companies, or corporate and chartered bodies, not having been hitherto required to deposit any designs, elevations, or models of projected works or buildings when applying for and obtaining Parliamentary powers"—(The *Chairman*).

Amendment proposed, to leave out the words " want of such control," in order to insert the words " the fact that"—(Mr. *Buxton*)—instead thereof.—Question put, " That the words proposed to be left out stand part of the Question."—The Committee divided:

Ayes, 4.	Noes, 6.
Mr. Layard.	Lord John Manners.
Mr. W. Cowper.	Mr. Bentinck.
Mr. Sclater-Booth.	Sir W. Tite.
Mr. Beresford Hope.	Mr. W. H. Smith.
	Mr. Buxton.
	Mr. Alderman Lawrence.

Words inserted.—Other Amendments made.—Main Question, as amended,—put, and *agreed to.*

Motion made, and Question proposed, " 3. That, having regard to the improvement of the metropolis, and as a security against its further disfigurement, it is desirable that a general control over all public works and buildings in the metropolis should be vested in some public officer or department of the State"—(The *Chairman*).—Amendment proposed, to leave out from the words " desirable that" to the end of the Question —(Mr. *Buxton*).—Question put, " That the words proposed to be left out stand part of the Question."—The Committee divided:

Ayes, 2.	Noes, 8.
Mr. Layard.	Mr. Cowper.
Mr. Beresford Hope.	Lord John Manners.
	Mr. Bentinck.
	Mr. Sclater-Booth.
	Sir W. Tite.
	Mr. W. H. Smith.
	Mr. Buxton.
	Mr. Alderman Lawrence.

Another Amendment proposed, after the words " desirable that" to add the words " whenever any public company or corporate body applies for Parliamentary powers to enable it to execute any works, or erect any buildings in the metropolis, or to raise money for the execution or erection of such works or buildings, it should, before coming to Parliament, deposit at the office of the public officer to be appointed to control such works and buildings, plans and elevations, designs or models, in like manner as railway companies are now obliged to deposit plans and sections at the Board of Trade, and the Committee recommend that the Standing Orders be amended, so as to affect this object" —(*The Chairman*).—Question proposed, " That those words be there added:"—Whereupon Amendment proposed to the proposed Amendment, by leaving out the words " public officer to be appointed to control such works and buildings" in order to insert the words " Commissioners of Her Majesty's Works and Public Buildings"—(*Mr. Buxton*)—instead thereof.—Question, " That the words proposed to be left out stand part of the said proposed Amendment"—put, and *negatived.*—Question put, " That the words ' Commissioners of Her Majesty's Works and Public Buildings' be inserted instead thereof."—The Committee divided:

Ayes, 7.	Noes, 2.
Mr. Layard.	Lord John Manners.
Mr. Cowper.	Sir W. Tite.
Mr. Sclater-Booth.	
Mr. W. H. Smith.	
Mr. Beresford Hope.	
Mr. Buxton.	
Mr. Alderman Lawrence.	

Amendment, as amended, *agreed to.*—Main Question, as amended, put and *agreed to.*—

" *Resolved*, 3. That having regard to the improvement of the metropolis, and as a security against its further disfigurement, it is desirable that whenever any public company or corporate body applies for Parliamentary powers to enable it to execute any works, or erect any buildings in the metropolis, or to raise money for the execution or erection of such works or buildings, it should, before coming to Parliament, deposit at the Office of the Commissioners of Her Majesty's Works and Public Buildings, plans and elevations, designs or models, in like manner as railway companies are now obliged to deposit plans and sections at the Board of Trade, and the Committee recommend that the Standing Orders be amended, so as to effect this object."

Motion made, and Question, " 4. That the First Commissioner of Works should report to Parliament on such plans and elevations, designs or models, and that such Reports should be referred to the Committees on Private Bills in the same manner as the Reports from the Board of Trade and Admiralty are now referred"—(Mr. *Cowper*)—put, and *agreed to.*

Motion

Motion made, and Question, "5. That the First Commissioner of Works is the public officer in whom this power of control should vest"—(The *Chairman*)—put, and *negatived.*

Motion made, and Question proposed, "6. That having regard to the duties that would thus devolve upon the First Commissioner, and to the greatly increased responsibilities of his office, it is desirable that greater importance and influence should attach to it"—(The *Chairman*). —Amendment proposed, after the first word "That," to insert the words "the evidence taken before the Committee tends to the conclusion that"—(Mr. *Beresford Hope*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 4.	Noes, 4.
Mr. Cowper.	Mr. Sclater-Booth.
Lord John Manners.	Mr. W. H. Smith.
Sir W. Tite.	Mr Buxton.
Mr. Beresford Hope.	Mr. Alderman Lawrence.

Whereupon the Chairman declared himself with the Ayes.

Other Amendments made.—Main Question, as amended, put.—The Committee divided:

Ayes, 3.	Noes, 5.
Mr. Cowper.	Lord John Manners.
Sir W. Tite.	Mr. Sclater-Booth.
Mr. Beresford Hope.	Mr. W. H. Smith.
	Mr. Buxton.
	Mr. Alderman Lawrence.

Motion made, and Question, "7. That there should be a Parliamentary Under or Assistant Secretary"—(The *Chairman*)—put, and *negatived.*

Motion made, and Question put, "8. That having regard to the extensive and varied character of the public works and buildings in the metropolis that would thus be brought under the control of the First Commissioner of Works, and looking to the harmonious and popular, as well as to the efficient, exercise of such powers of control as it is proposed to confer upon him, it is desirable that he should be assisted by a Board or Council of Advice, representing; 1. The City of London; 2. The Metropolitan Board of Works; 3. The Royal Academy; 4. The Institute of Architects; 5. The Institute of Civil Engineeers"—(The *Chairman*)—The Committee divided:

Ayes, 3.	Noes, 6.
Mr. Layard.	Lord John Manners.
Mr. Cowper.	Mr. Sclater-Booth.
Mr. Beresford Hope.	Sir W. Tite.
	Mr. W. H. Smith.
	Mr. Buxton.
	Mr. Alderman Lawrence.

Motion made, and Question, "9. That each of these public corporate bodies should name three of its members, from whom the Government should select one to represent his Corporation or Institution on the Board or Council of the Office of Works—" (The *Chairman*)—put, and *negatived.*

Motion made, and Question, "10. That the Members of the Council should serve for three years, at the expiration of which time they should vacate office, but be eligible for nomination"—(The *Chairman*)—put, and *negatived.*

Motion made, and Question, "11. That the Members of the Council should be paid such annual salary, or in such manner as may be deemed most advisable, and that they should be summoned to meet at such times as may seem to the First Commissioner to be necessary or desirable"—(The *Chairman*)—put, and *negatived.*

Motion made, and Question, "12. That a record should be kept of all the proceedings of the Council of Advice, to be annually laid before Parliament"—(The *Chairman*)—put, and *negatived.*

Motion made, and Question, "13. That the resolutions or opinions of the Council should not be considered as binding on the First Commissioner"—(The *Chairman*)—put, and *negatived.*

Question, "That the foregoing Resolutions be reported to the House"—put, and *agreed to.*

Ordered, To Report, together with Minutes of Evidence and an Appendix.

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Monday, 7th June 1869.

MEMBERS PRESENT:

Mr. Bentinck.	Mr. Layard.
Mr. Buxton.	Mr. McLean.
Mr. William Cowper.	Lord John Manners.
Capt. Dawson Damer.	Viscount Sandon.
Lord Elcho.	Mr. William Smith.
Mr. Beresford Hope.	Mr. Tite.

LORD ELCHO, IN THE CHAIR.

Sir JOHN THWAITES, Knight, re-called; and further Examined.

Sir *J. Thwaites* Knt.

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2938. *Chairman.*] THE Thames Embankment, as you stated in the first part of the inquiry of this Committee, has been conducted under an Act of Parliament entirely by the Metropolitan Board of Works, has it not?—Yes.

2939. That Act of Parliament, as far as I gathered from your statement on a former occasion, in no way laid down what the nature of the work should be, *quà* the design or the material of which the river wall and other portions of the work were to be constructed?—It did not.

2940. The success of that work is universally admitted; indeed it is universally stated that there is no such river-wall in the world as the one which has been erected by the Metropolitan Board of Works, and the success of that work is due entirely to the action of the Board and of their engineer, is it not?—It is.

2941. The design might have been an ugly one, and the material, instead of being granite, might have been concrete or brick, or any other material, might it not?—Yes; it was competent, of course, for the Board to have constructed it of brick, simply putting in wooden fenders, in the cheapest possible form; but the Board took another view of its public duty.

2942. The Board took an æsthetic view (that being the cant word at present in these matters) of the Embankment, and they thought it right, did they not, to spend more money than would have been absolutely required for the purpose, in order to make it an ornament to the metropolis?—Yes.

2943. Parliament took no account, and had no control of the matter, when once the Act was passed; and the Government Office of Works did not interfere in any way, I believe?—No.

2944. And they have no power of doing so at the present moment, had they been so disposed?—None whatever.

2945. You had to do with the Crown in the construction of this Embankment, the Crown being represented by the officer of works; did the Crown interfere in any way in the construction of this Embankment?—No; there was no interference as to the structural works.

2946. With reference to the land which belongs to the Crown, and which is at present in the possession of their lessees, did they lay down any conditions as to the form which your works were to take, æsthetically?—With the exception of the outer wall, the general line which was defined in the Act of Parliament, subject of course to the approval of the Commissioners, no conditions were laid down.

2947. Which wall is that?—The wall fronting the property that is between the road and the property given up to the Crown.

2948. Is that the wall on the left as you go towards the City?—Yes.

2949. You say that the form of that wall, and the design of it, were laid down?—We had to submit to the Commissioner certain designs for his approval; that was a condition under the Act of Parliament.

2950. The Act said that with reference to the Crown property the designs were to be submitted to the Commissioners, did it not?—Yes; that is not at all an unusual thing; the Committee are aware that all Crown property is very delicately hedged in in every Act of Parliament, and this is but a fair illustration of the ordinary legislation on Crown rights.

2951. The design was by the Act of Parliament

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ment to be submitted, not for the approval of the Commissioner of Works (that office now being held by the Right Honourable Member for Southwark), but of the Commissioner of Woods, Mr. Gore, was it not?—I think it was Mr. Gore, of the Office of Woods, but I am not quite sure.

2952. That office represented the Crown as a proprietor, did it not?—Yes, in the person of Mr. Gore.

2953. It was not in the interest of the public, but in the interest of the Crown, as a proprietor?—Yes.

2954. So that, as regards the whole length of the design in which the public have an interest, the Act of Parliament laid down no rule; but as regards the private interest of the Crown (if, one may so speak), there was a rule laid down, and the works were not sanctioned until they had been approved by the person representing the Crown; that is to say, as regards that portion of the Embankment which formed a wall adjoining the private property of the Crown; was that so?—Yes. We were under an obligation by that Act of Parliament, to give up the land to the Crown lessees up to the side of our roadway, and involved in that was the liability to build a wall, subject to the approval of the Commissioner of Woods.

2955. The Board of Works has been in existence a good number of years, and they have conducted other great metropolitan improvements, have they not?—Yes.

2956. What other great works are there which have been conducted by the Board?—The formation of public streets, the widening of existing roadways, the formation of public parks, and matters of that kind.

2957. Was the Islington Market under the Board at all?—No; that is under the Corporation of the City of London.

2958. The building at the terminus of your sewer was built, I presume, by the Board?—That was entirely under the control of the Board.

2959. That, apparently, has considerable architectural features; and that again was erected, I presume, without any supervision or control of any sort or kind; you might have made that an un-ornamental, instead of an ornamental building, might you not?—No doubt.

2960. But you took the same æsthetic view of your duties as a public Board in that instance as you did in the construction of the Embankment?—Quite so.

2961. Therefore, as regards the Board, no control of any sort is exercised over them as regards the character of their works?—None.

2962. As regards the expenditure of money by the Board, do you know at all what the sum is which the Board has expended altogether in public improvements since its existence?—About ten millions.

2963. I think you stated, in your former evidence, that there was no check whatever at present on the expenditure of the Board, except ignorance and impatience of taxation on the part of the taxpayers, which is shown by the difficulty or the impossibility of collection?—That is an ample check.

2964. There are a great many works in this metropolis, public, semi-public, and private; we will begin, if you please, with what may be called purely public works, Government works and buildings, such as the Foreign Office, the India Office, the Treasury, the National Gallery, and the British Museum, which are at present works conducted exclusively by the Government, are they not?—They are.

2965. The Metropolitan Board of Works has nothing to do, and the ratepayers of the metropolis have nothing to do, with those works; they are entirely under the Government, are they not?—Under some department of the Government.

2966. Under the Government, subject only to the control of Parliament. The money is voted by Parliament, and Parliament so far has a control; that is so, is it not?—I understand with regard to large public buildings, such as the Foreign Office and other works of considerable cost, that the habit of Government is to exhibit the plans in the Library of the House of Commons, and to take the judgment of the House itself as to the elevation and the internal arrangements.

2967. The only control is the control of Parliament, is it not?—Undoubtedly.

2968. The Goverment have uncontrolled power so far, except the check by Parliament over such matters as the form and design of the new park palings; that is so, is it not?—Yes.

2969. As to a portion of Park-lane, there was some question, was there not, of the Board of Works having something to do with the widening of the road or the position of the rails?—The Board undertook the widening of Park-lane, the Crown giving up the land necessary for the purpose of the footway.

2970. But the design of the railing was a matter which rested with the Office of Woods, was it not?—Entirely.

2971. As regards everything connected with the ornamentation of the metropolis, or otherwise, as the case may be, such as the railing round the Houses of Parliament, that is a purely Government matter, is it not?—Entirely.

2972. The design of the railings around the plots of grass, and the design of the lamps in Parliament-square, is a purely Government matter, is it not?—It is.

2973. Has the Metropolitan Board of Works anything to say to the position of the statues in the metropolis?—Not at all, except that we have some eligible sites on the Embankment to receive such statues.

2974. Has the Government power to give, through the Commissioners of Works, any site for a statue in any street in the metropolis?—No.

2975. We will take different statues: there is the great Guards' Memorial statue at the bottom of Waterloo-place; is that site given by the Government, without the assent of any other parties being required?—No; that would be under the control, I suppose, of the parish of St. James. Any work, part which is paved and lighted at the public expense, would be under the control of the vestries or district boards.

2976. So that, with reference to statues, it appears that there are some where the Government have control, and that, I suppose, is confined to the ground which is either the private property of the Crown, or under the immediate control and management of Parliament, such as Parliament-square. I am told that that ground on which Lord Clyde's and Franklin's statues stand is the property of the Crown; are you aware whether that is so?—I believe it is.

2977. So

2977. So that, with reference to the statues and fountains in Trafalgar-square, and such matters, the Board of Works has nothing at all to say?—Nothing whatever.

2978. And *quâ* those matters, they have no control as regards the ornamentation of the metropolis?—They have not.

2979. Now, I will take the semi-public works under Acts; we may consider a railway a semi-public work, as it is under a private Act, passed by Parliament, and the money is not the money of ratepayers, but of shareholders; at present is there any control that you are aware of over the works constructed by railways in the metropolis other than that laid down in the Acts of Parliament?—No doubt; there can be no control exercised except that which is embodied in the Act authorising the construction of the work.

2980. Then your Board has no control whatever, has it, over the construction of any railway works in the metropolis, unless specially given to you by Act of Parliament?—To a certain extent, we have, and that is the result of very hard fighting every Session; there is a strong railway interest in this House, if I may be permitted to say so, and they are impatient of control; and we have on every occasion, when a Railway Bill affecting the metropolis has been in Parliament, petitioned against the Bill, for the purpose of having a *locus standi* to secure certain things; first, that the construction itself shall be creditable, not a disgrace, to the metropolis, as many of those railway bridges are, with high girders of iron crossing the street; secondly, that the space shall be such as not to interfere with the public traffic; and, thirdly, that steps should be taken to lessen the sound, which is very dangerous indeed to horses driven under those railways; it is almost like a clap of thunder sometimes; in some cases we have obtained power from Parliament, and in other cases we have failed in obtaining power to control the railways; whenever we have obtained the power, we have exercised it, I think, with great advantage to the public.

2981. Mr. *Layard.*] Are not railway and other companies which come to Parliament for power to execute works in the metropolis, bound to deposit with you their plans and elevations?—For all works to be carried out in the metropolis, the parties are bound to deposit their plans with us, and then, of course, we petition the House, and we have to fight before Committees of Parliament to obtain the slightest control over the works of railway companies. The Committee are aware that the great object of a railway company is to lessen the span, and to put a large pillar on the side of the footpath, so that the foot passengers would have to pass through a sort of tunnel, which is extremely bad, in a sanitary point of view, and in a moral point of view; our object has been to secure control over the railway companies, so that they should span the whole street, and leave the area of the public way free to the public. We have also pressed the point that we should have control over the elevation, which, I need hardly say, is of the worst possible description which any one can imagine over our public streets.

2982. Mr. *Beresford Hope.*] Do you mean any one in particular?—No, I am speaking generally. There is very simple arrangement for the purpose of reducing the noise and excluding the water from percolating through and dropping on to the passengers; even where we have sought to control them with respect to those two points, we have had quite a struggle to get clauses inserted before Committees of this House.

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2983. *Chairman.*] You say that they are obliged to deposit their plans and sections; under what Act are they obliged to deposit them; is it under the Act which constitutes the Metropolitan Board?—No, it was an alteration in the Standing Orders of the House.

2984. Then you complain of the character of the elevation of their works; the deposit of plans required by the Standing Order does not extend to a deposit of elevations, does it?—No; nor would it help us very much, because they take the necessary power to construct, and resist any application of ours for controlling powers over them, and that has been the fight every Session.

2985. Whenever one of those railways comes even under the Standing Order, you have great difficulty in getting control in any way over the construction of their works; and that control never extends to affecting in any way the architectural elevation or character of the works; is that so?—It has in some few instances I believe, but as a rule, we fail to obtain that power.

2986. So that really it may be said that the Metropolitan Board has really no control over the character of the buildings, æsthetically speaking, erected by the railway companies?—That is so.

2987. Do you know if any other body has any such power?—No other body.

2988. The Committees of the House of Commons and the House of Lords, who sanction those works, take no cognizance of those points, do they?—No; I think that the only department would be the Board of Trade, and that would have reference to the laying of the rails, and the strength of the girders, and the public safety generally; there is no question of ornamentation.

2989. You have complained of the character of those buildings; do you think that the Hungerford Station is an ornament to the metropolis?—I think it is a disgrace to the metropolis.

2990. That photograph (*handing a photograph to the Witness*) gives a notion of the æsthetic character of that work, and of how far it is an ornament to the metropolis; what is your opinion as to the piers of Hungerford Bridge itself, under which those roadways pass?—A short time ago, prior to the fire, it was worse than this; there was a wooden structure extending considerably beyond the iron roof for the purpose of receiving continental luggage; happily that is burnt down and is gone.

2991. We have then as the result of this uncontrolled power of the railways to erect any monstrosity they choose in the metropolis, in the first place the Hungerford Bridge Station; I think the piers of Hungerford Bridge itself would rather come under that category, would they not?—They are a cheap form of construction.

2992. Cheap, but not ornamental?—I cannot say much for their ornamentation. With regard to this station, which is really an obstruction to light and air, as well as being offensive to the eye, I venture respectfully to say that I think the House itself should have interposed, and have restricted the right of the company to build, and that while they gave them the power to build the bridge over a river, they should have taken care and protected that bridge from being made

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like old London Bridge, with a series of houses upon it.

2993. But I presume that when the House gave power to this railway company to construct this station in the centre of London, the design for this covered station probably was not submitted to the Committee?—I should think not.

2994. So that at present Parliament sanctions a railway station in the centre of London without in the least knowing what the architectural character of this station will be, and how far it will affect, as you have said, the light and air of surrounding buildings, and at present there is no control whatever over the erection of such a building; is that so?—There is not.

2995. That is one instance of the evils of the present system; let us go further down the river till we come to the London, Chatham, and Dover Railway; that railway has a station of a somewhat similar character, has it not?—It has.

2996. Generally speaking, though there is an attempt at ornament in two towers at each side, it is open to the same objections as the Charing Cross Station, is it not?—In degree it is, though the projections are less than at Charing Cross.

2997. You have no reason to doubt, I presume, that what holds good or bad, as you choose to view it, with reference to Charing Cross, and the control exercised by Parliament or any other body or person, holds equally good with reference to this Cannon-street Station?—No.

2998. There is an enormous station being erected by the Midland Railway Company at the present moment in the New-road; that station, I suppose, has been erected under exactly similar circumstances, and it may or may not be an ornament to the metropolis, it may or may not affect light and air, but *quâ* the Government, *quâ* Parliament, *quâ* your Board, or any other public authority, no control I suppose has been exercised over its construction and character?—No; your Lordship is aware that all buildings on railways, such as stations or sheds, are excluded from the operation of the Building Act; they may build any kind of building.

2999. In fact, as regards all the railway stations in the metropolis, what has been stated by you as being the case with regard to those three, namely, Charing Cross, Cannon-street, and the Midland Stations, holds good with regard to the rest of them?—Clearly.

3000. Does that include the Metropolitan Railway and their stations along the Embankment?—Yes.

3001. You have no control over the designs of those stations, have you?—No legal control.

3002. So that as regards the Metropolitan District Railway, you, having constructed this very fine Embankment with a very ornamental wall, they have complete legal power to construct any description of station they choose?—I think that is so. I am not aware of any special clause in the Act.

3003. Are you aware that in the case of the Crown property, where one of their stations is placed near Westminster Bridge, the Crown has exercised, through the Office of Woods, some control over the character of the station?—Yes; I believe it is the rule of all public departments connected with the Crown, that railway companies must submit works of that kind for the approbation of the department.

3004. So that here again we find that a railway company has uncontrolled power along the Embankment, which you have created at the public expense of the ratepayers of the metropolis, to erect, as far as you are concerned, any description, whether it is ornamental or otherwise, but that the Crown, where they erect their stations on Crown property, has a control, and has exercised that control, is that so?—I have no doubt that that is so.

3005. The Crown, I presume, only does this in the interest of its own property, so as to benefit that property as much as they can, as private holders of property?—That is the assumed motive. It is a rule, that whenever Government property is interfered with, certain clauses are prepared, and all parties are obliged to admit the clauses.

3006. So that what is done by the Office of Woods, is immediately done in the interest of the Crown as a proprietor, and if incidentally the public benefit by that, that is another matter?—I think the interference of the Crown has reference entirely to the protection of the property under the particular departments; but it has no regard to any special improvement as far as the public are concerned.

3007. You have spoken about the bridges across the different streets and roads in the metropolis; I presume that you consider that many of those bridges are very great disfigurements to London, do you not?—They are a very great disfigurement.

3008. There is one across Ludgate-hill; that is by way of being somewhat ornamental, and is open more or less; it is therefore less of a disfigurement than many others which I could mention; we will take the two railway bridges across the Waterloo-road; do you consider those two bridges ornamental?—By no means.

3009. Has any one any control over those bridges?—No.

3010. There are bridges of a similar character all over London, are there not?—Yes.

3011. In short, that is apparently the model æsthetic railway bridge, is it not, the Ludgate-hill Bridge being exceptional?—That is the exception, undoubtedly; there are bridges constructed for the purposes of railways in the metropolis which are not only hideous in design, but which are made at such a level that the railway company are obliged to depress the road; and, in some cases, a depression to the extent of three or four feet has taken place, so that the public have to go down into a hollow, and come up again, in order to keep the level of the railway, to give the headway required by the Act.

3012. I think the road leading over Vauxhall Bridge, on the Surrey side, has a depression of that kind, has it not?—I believe it has.

3013. Are there many of those depressions?—There are a great many where they are obliged to depress to sustain their level, and to give the headway necessary and required by the Act; I need hardly say that those depressions are very injurious to the road, and to the general traffic.

3014. The water necessarily lodges there, does it not?—Yes; I am bound also to say, with great respect to this House, that those points have been pointed out to the Committees, and yet those Bills have been sanctioned with those manifest deformities.

3015. I presume that the designs for those bridges were never before Committees?—The elevation and depression of the road must necessarily have been before the Committee, but the designs

designs for the bridges, I should think, were never before the Committee.

3016. Neither have they been, I presume, before the Metropolitan Board of Works, as they do not lay the elevations before you?—No.

3017. The Metropolitan Board of Works have constructed, have they not, a new road, or a new street, in Southwark?—Yes.

3018. The buildings there are of an ornamental character, more or less, are they not?—Yes, taking it as a commercial street. The elevations of those buildings are under the control of the Board.

3019. Was it subsequent to the erection of those buildings that the railway was made across that street?—It was subsequent to the erection of some of the buildings. It was a matter of very deep regret to us, after forming that street, at a cost of 500,000 *l.* or 600,000 *l.*, immediately the street was properly formed and paved a railway company obtained power to go over it; and really the Blackfriars end of that street is positively a tunnel; you have a series of bridges, one following the other, and it is a very great interference with the appearance of that street.

3020. Mr. *Layard.*] Therefore I understand you to say that, after a very large sum is paid out of the ratepayers' money for the construction of an ornamental or handsome street, the street is destroyed, so far as its architectural character is concerned, almost immediately by the construction of railway bridges over which you have no control?—That is so at the Blackfriars end.

3021. *Chairman.*] Before this railway was constructed, had you sold those houses?—No.

3022. Were they still in your possession when the railway was constructed?—Yes, the ground rents. The procedure of the Board is to let the ground on building leases, and, so soon as the ground rents are sufficiently secured by the erection of property, then to take them into the market and sell them. I have no hesitation in saying, that the return which the Board will realize from the formation of that street, and from the land on either side, will be undoubtedly greatly reduced in value from the fact of that railway, or those railways, having been carried over the bridge at the end of the street, especially those plots which are near to the bridges in question.

3023. Supposing that before the railway was made the Board had parted with the land, and some builder had taken it, and had built the houses, in that case the loss would not have fallen upon the Board, but upon the builder, would it not?—It would have fallen upon the Board to a certain extent, because the Board would have to take the secured ground-rents into the market, and anything which would interfere with the development of that street or the value of the houses would diminish the value of the ground-rents so taken into the market.

3024. Were you aware that this Bill was before Parliament, and were you aware of the nature of the works that this railway was going to construct?—No.

3025. What railway is that?—The London, Chatham, and Dover Railway, I think.

3026. How did it happen that this railway had not, under the general Standing Order, to submit their plans to you, as you told us in the early part of your evidence they had to do?—Their general plan would be submitted, but not the elevation of the bridges. We did all that we could before Parliament to prevent the mischief which has ensued.

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3027. Did you resist this before Parliament?—Yes.

3028. And Parliament overruled your objection?—They not only overruled our objection, so far as the bridge is concerned, in really creating a tunnel at the end of that street, but an adjoining street was actually given up to the railway. The Right Honourable Member for Southwark will remember that a great deal of dissatisfaction was felt by the local people, and the Metropolitan Board of Works, on behalf of the metropolitan public, opposed to it in Parliament. They had power to close one of the streets leading out of Bankside into the Blackfriars-road, and it has been practically closed. They have tramways, and they run trains at the lower part, which practically closes it for all the heavy traffic which used to pass under that bridge.

3029. It is clear, I suppose, that if railways are to be admitted at all into or to run through London, they necessarily must cross streets and roads by bridges, unless they are underground railways?—Undoubtedly.

3030. Do you think that it is necessary, with a view to the strength and solidity of the line when crossing those streets and roads, that railway bridges should, as you express it, be thus hideous?—I think not.

3031. Do you think that your engineer, or that an engineer, if he were told that he must make his bridges across those roads not unsightly, but rather ornamental in their character than otherwise, would have any difficulty in making them ornamental, consistent with solidity, and the primary purpose of the railway?—I think not; I think it is a question of cost.

3032. There are some piles in the river near Hungerford Bridge; what are those?—Those piles were placed there by the directors of the Whitehall Railway.

3033. What is the Whitehall Railway?—It is a railway which I shall have a difficulty in describing; they propose to go down a tunnel or well in Whitehall, and to be blown across to the other side, and then to rise up to the level of the railways on the opposite side, where passengers can be taken over at an agreeable elevation, for a halfpenny. That will probably account for the piles sticking there.

3034. That railway company obtained an Act, and under that Act they commenced operations, and those piles were part of the operations; is that so?—Yes, I believe the whole thing is a failure; I suppose no one would have the power, until the statutory period has expired, to remove those piles.

3035. It comes to this then; that this Pneumatic Railway is empowered to construct certain works by Act of Parliament, a portion of which works consists in driving in the piles which we see there, for the construction of this underground pneumatic tube, or whatever it is; the railway fails, and the piles remain; you say that nobody has the power of removing the piles until the Act expires; when will the Act expire?—I think next year, if my memory serves me, it will expire, and then of course it will be a nuisance, and it is already a great interruption to the navigation;

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navigation; the Thames Conservancy Board will have power then to remove them.

3036. So that that is only a temporary evil, but it may be removed next year?—Yes; the mischief is, that it may cause shoals to be formed in the river.

3037. There is a new Blackfriars Bridge being constructed, is there not?—Yes.

3038. By whom is that constructed?—By the Corporation of the City of London.

3039. Was that bridge constructed and designed before the London, Chatham, and Dover Railway Bridge was constructed?—I am not sure.

3040. They are close together, are they not?—Very close.

3041. They are about the length of this room from each other, are they not, or even less?—Hardly that distance I should think.

3042. Necessarily supposing both were beautiful, the effect of the one would destroy the effect of the other, would it not, taking it in an æsthetic point of view?—Yes, and they are not at the same level either.

3043. Then again, there was no control exercised over the railway by Parliament, and the question of the existence of the other bridge, erected as you say by the Corporation of the City of London, appears not to have been considered at all?—I do not know.

3044. Is the Corporation bridge paid for out of the City funds, or by a rate?—It is paid out of a large estate called the Bridge House Estate, which was left originally for the erection and sustentation of bridges.

3045. Are you aware whether the Corporation opposed this railway bridge?—I do not remember; it is a matter over which we had no control.

3046. Gas-works are under Acts of Parliament in the metropolis, are they not?—Yes.

3047. There is a large gas-work in what used to be called Alsatia, is there not, near Blackfriars-bridge?—There is.

3048. Does Parliament, in granting the concession of the erection of gas-works in such a place as that, in any way take cognizance of the nature of the buildings to be erected?—It is impossible to say what Parliament did at that period; they have been in possession of that ground now for a very long time.

3049. In the same way, waterworks might be erected in the metropolis, and they might or might not be ornamental?—It very frequently occurs that when a gas or a water company apply to Parliament they submit an elevation, but I do not think they are bound by clauses to carry out any particular elevation; it is merely to give an idea to the Committee of what they propose to do.

3050. Now, we will take another description of semi-public works, viz., buildings erected by chartered bodies, such as the Surgeons' Museum; I suppose that is a chartered body, is it not?—Yes.

3051. Are the Governors of St. Thomas's Hospital a chartered body?—Yes.

3052. St. Thomas's Hospital is erected by a chartered body, and it is erected immediately opposite the windows of the Houses of Parliament; do you know whether the Metropolitan Board of Works had any control whatever over the nature and character of that building?—No.

3053. Do you know if the First Commissioner of Works had any control over that building?—No.

3054. Do you know whether any Government officer, or any public body in the metropolis, had control over the nature of that building?—No.

3055. So that, as in the case of the Thames Embankment, that building might be ornamental, or it might be hideous, as you have described the railway bridges to be; and it would rest entirely with the Governors of St. Thomas's Hospital, I imagine?—Yes; but I think when this hospital is finished, it will not be hideous.

3056. Do you think that it will be rather ornamental than otherwise?—Very much so, I think.

3057. That is thanks to the Governors of St. Thomas's Hospital, and their architect, and no thanks to any organised system of supervision or control over public or semi-public works in the metropolis?—I think any public body, whether a chartered body or a representative body, on the whole, are sure to carry out public works in a creditable manner, speaking of course apart from commercial principles, which would prevail with a railway or a gas company.

3058. Mr. *Beresford Hope.*] Do you mean from the growth of public taste?—No doubt.

3059. Mr. *Layard.*] Did you not sell that land to the hospital?—Yes.

3060. Could you not have made some condition as to the architectural effect of the building?—No doubt we might have interposed and said we must have this style of building or the other; but our object was rather to get a fair and reasonable price for our land, believing as a public body that they would carry out a building which would be creditable; in fact, we were rather anxious to get them there as tenants in order that a building might be erected opposite to the Houses of Parliament that might be a credit, instead of those ragged walls which previously covered the ground.

3061. *Chairman.*] All private buildings are under the Building Act, are they not?—All private buildings, and all public buildings; all buildings other than railway buildings.

3062. Are the Government buildings under the Building Act?—No, they generally are exempt. The Government is a privileged body.

3063. So that all buildings, except Government buildings and railways, are under the Building Act?—Yes.

3064. Is the control exercised by the Metropolitan Board of Works?—The control is not a control over the elevation, but it is exercised by the Metropolitan Board, under its officers. We have about 56 district surveyors all over the metropolis. It is as to the thickness of the walls and the strength of the timber, and the general public safety; and of course the building has to be so constructed as to prevent the spread of fire.

3065. Lord *John Manners.*] You take cognizance, do you not, of projections interfering with the line of streets?—Yes, that is under the Metropolitan Local Management Act.

3066. *Chairman.*] Will you state exactly to what extent the Metropolitan Board of Works have power, under the Building Act, to interfere with the construction of buildings?—Under the Building Act there are certain rules laid down as to thickness of walls, and the cubical contents of the building, for public buildings also, and

and in combustible materials for stairs approaching public buildings, and all matters of that kind. The Board exercises a very extensive control over projections beyond the regular line of frontage; that is to say, supposing that in a row of houses A. should apply to us for power to extend his building beyond the regular line, we take care, of course, that light and air shall not be interfered with, nor the property of the adjoining owner destroyed by such a projection.

3067. Mr. *Layard.*] I presume you have no power to prevent a man building a house and then covering it with the most frightful advertisements, or figures of any kind he chooses, so long as there is no offence to public decency?—Clearly not.

3068. *Chairman.*] The powers which the Board exercise, to which you have just referred, are, I presume, under their own Act?—Under the Act of 1855, which constituted them.

3069. With regard to this question of control, does not the evidence which you yourself have given, and the state of things that we see in the metropolis *quà* those railways, and *quà* the non-interference of Parliament with the designs of railways, whether as regards stations or bridges, all point to the necessity of there being general supervision and control of some kind somewhere, though I do not say where?—There can be no doubt that there should be some control over public buildings generally in the metropolis, so that our streets may present a more creditable architectural appearance than, I am sorry to say, they do at present. A very great improvement has taken place undoubtedly from the general taste of the public being improved. The public are educated in reference to architecture, as they are in reference to any other branch of ornamental work. But there ought, unquestionably, to be a control, and that control, I venture to think, ought to be within the municipal authority of this or any other city.

3070. Lord *John Manners.*] Have you been able to investigate what is done in the other great towns of the kingdom, such as Liverpool and Manchester, by the municipal authority, the sort of authority to which you refer?—I am not sure as to the special authority of those corporate bodies, but I am speaking now on a general principle, viz., that if there is to be a control, that control should not be in the hands of a Government department, but in the hands of the representatives of the people. I think, in the first place, before you can approach the discussion of the formation of a special body, not being a representative body, there are two or three conditions which must be established. First, that you must establish the fact, that the municipal authority has had all the necessary power granted to it by Parliament for the control of those public buildings, and to prevent that, which we all agree it is most desirable should be prevented, in future; and that after that ample power so given by Parliament, that municipal authority has failed to exercise a spirit of sound judgment and taste. Therefore, it may be a question whether some distinct and separate body should be created as a semi-Parliamentary body, to control matters within London or any provincial town. But I think, before you can determine that question, you should clothe that municipal authority in the metropolis, or elsewhere, with a controlling power, and see how it would control, and if it fails, then it would be a question as to the formation of another public body. Then there is another point which weighs upon my own mind very strongly, viz., that before you discuss the propriety of appointing a distinct and separate body from the municipal or representative body, if this control is to be exercised by the Government, it can be only exercised on the condition that the Government contribute towards the municipal burdens. The old principle of taxation and representation must stand on municipal questions, precisely as it stands on imperial questions; and I think, thirdly, if it is contemplated to form this distinct body, it can only be formed by applying the principle to every town in the kingdom. I should protest, with all the respect due to this Committee, and to the House, most strongly against the formation of a special body in the metropolis to control the acts of a municipal representative body, who are spending the money of the public ratepayers, and who represent the public ratepayers in every department, because the inference from the establishment of such a body would be this: that the citizens of this metropolis were not equal to the discharge of the municipal duties, such as are discharged by the citizens of Liverpool, Glasgow, Edinburgh, and every other city; therefore I say, before I can bring my mind to discuss the propriety of appointing a distinct and separate body, one or all of these propositions must be established: first, that the principle is to apply to all towns throughout the kingdom, otherwise you are degrading the citizens of the metropolis: secondly, that there is no right, apparently, so far as I can judge, for the establishment of a Parliamentary control, unless Parliament itself contributes out of the Imperial revenue towards metropolitan burdens, and then I think there ought to be an absolute failure on the part of the municipal authority before you institute other proceedings and supersede them in their common rightful action. With regard to the Metropolitan Board of Works, your Lordship will permit me to say that a great many of the deformities which your Lordship has pointed out in the metropolis, are matters over which the Metropolitan Board of Works has no control whatever. Had Parliament given the Metropolitan Board control, a different state of things would undoubtedly have existed. I think that in all large towns there ought to be a power who should have control, especially over commercial companies, where the law of commercial profit seems to prevail over every other consideration. Then, with regard to the contrast which has sometimes been instituted between the metropolis and the continental cities, of course the habits of our continental neighbours so differ from the habits of the Anglo-Saxon race, so far as representative institutions are concerned, that one can scarcely discuss the question upon parallel lines. But, with regard to Paris and Brussels, I have some facts here which, if the Committee desire, I will give in confirmation of the general statements which I have made. The principal authority in Paris is in fact the Government. The ratepayers of Paris appear to have very little, if any, control over its improvements; and the only part that they are permitted to take in the improvements of Paris is very largely contributing towards the cost. I will take the Budget of 1866, which I have carefully examined and had translated. Your Lordship is aware that the Government, in issuing their Budget for the

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the year, include in that Budget a certain per-centage, which is collected by the Government and paid over to the municipality; for instance, 5 per cent. on the land tax, which amounted to 21,820 *l.*

3071. *Chairman.*] Is that to the municipality of Paris alone?—It is levied and collected by the Government and handed over to the Municipal Fund of Paris alone. I am now speaking entirely of the city of Paris.

3072. But do you know whether the Government contributes to other municipal funds?—I will give you the facts as they came out in the Budget; they also include five per cent. on the tax on personal property, amounting to 12,180 *l.*; eight per cent. on the amount received from patents, 48,664 *l.* Those are licenses, in point of fact; an auctioneer, for instance, must have a license to exercise his calling. They include three per cent. on taxes for expenses, amounting to 44,664 *l.* Then there is a contribution by the State towards the cost of paving of 180,216 *l.*, and a contribution by the State towards the cost of the municipal police of 153,880 *l.*, making a direct contribution by the State to the municipality in the year 1866 of 461,424 *l.* Then there was a special grant in that year for what are called great improvements, of 352,000 *l.*, making in all 813,424 *l.* The receipt from the *octroi* and the other receipts of Paris for that year amounted to 5,366,440 *l.* In reading these figures one feels a kind of envy, but one's envy is somewhat reduced when one remembers the fact that the amount of direct taxation by the State per head in Paris is 17 *s.* 4 *d.*, and the indirect taxation is 3 *l.* 2 *s.* 10 *d.*, making, in point of fact, a taxation of 4 *l.* – *s.* 2 *d.* per head in Paris in the year 1866.

3073. Mr. *Layard.*] That includes lighting, water, and poor rates, schools, and many other things, does it not?—It includes everything.

3074. Have you ever made a calculation in London to include lighting, poor-rates, water, gas, and everything?—I think it is over 30 *s.* a head.

3075. Mr. *Tite.*] Is that, in your opinion, a fair average as regards the English rating?—I think so.

3076. Lord *John Manners.*] Are those figures from the Government Budget, or from the Budget of the city of Paris?—From both.

3077. The first from the Government Budget, and the second from the Budget of the city of Paris?—Yes; I have just taken so much from the Imperial Budget, if I may make a distinction, as has reference to the municipal budget, because they levy a per-centage for the municipality in the Imperial taxation. The population in Paris, in 1861, was 1,667,841, to which this taxation refers; that would be somewhat increased from 1861 to 1866, they having no census between the two periods.

3078. Mr. *Tite.*] What is the present population of London?—About 3,000,000.

3079. Then in Brussels I find that there is a contribution by the State of 280,000 *l.*, and 25 per cent. on the land-tax, making 9,000 *l.* more, with a population of 200,000, where the government exercises a considerable control over the municipal authority.

3080. Mr. *Layard.*] Are you aware whether the sum which you have mentioned as the contribution of Paris includes all expenses for buildings belonging to the State, such as the Tuileries and other buildings of that kind, or are they paid out of the revenues of the Emperor?—I think it comes out of what would probably be called the Imperial revenues; there is a distinction made between them and the taxation of the city.

3081. Could you furnish the Committee with the details of the nature of the expenditure in Paris, drawing a distinction between public and purely municipal buildings?—I will do so; we are in the habit of sending our annual returns to the several municipalities on the Continent, and they very kindly send us a copy; I have in my hand a copy for the year '66, which I will hand in.

3082. Mr. *Cowper.*] Does the expenditure for Paris include items which are not included in your calculation for London, such as the expenses of public worship and schools?—I will ascertain that more particularly.

3083. *Chairman.*] Can you state whether in France the State contributes in any way to the municipal funds of other large towns as it does in the case of Paris?—I am not able at this moment to answer that question.

3084. Do you know whether the State exercises any control over public buildings or public works in such cities as Lyons, Bordeaux, or Marseilles?—I do not know, but I will endeavour to ascertain that.

3085. I think from the statement that you have just made to the Committee, the conclusion one in the first place draws is, that looking to what has come out in evidence, and what we have seen for years before our eyes either existing or growing, or likely to grow, in the way of hideousness, it is desirable that there should be control somewhere; that, in your opinion, that control does not exist, and that it ought to exist in the municipality. By the municipality, I presume you mean as regards the metropolis irrespective of the City of London, the Metropolitan Board of Works?—Yes, of course we are in an exceptional condition in the metropolis just now, but, probably, we may be put straight by-and-by.

3086. And you propose that this municipality or the Metropolitan Board of Works should have control not only over works executed by itself, such as the Thames Embankment, and the building at Barking, or any other works, that it either does or may erect, but that it should likewise be the controlling power over railways, gas-works, water-works, and erections by corporate bodies, such as St. Thomas's Hospital, or any other chartered body?—I have rather laid down what I conceive to be a principle, viz., that the municipality should be the controlling body.

3087. And the principle upon which you would rest the giving of this power to the Metropolitan Board of Works is the principle of assessment, is it not?—Yes, and representation.

3088. That is to say, that where you have an assessment levied for these purposes on the ratepayers, where you have ratepayers choosing representatives within a municipality, there you should have a control, undoubtedly; but that it should be exercised by persons so chosen by the ratepayers to spend their money?—Yes.

3089. And that would naturally be the Metropolitan Board of Works?—Yes.

3090. We are looking in this matter to the (I do not like to use the word, but it is the word,) "æsthetics" of the question. The Metropolitan Board of Works is an elected body, is it not, chosen by the ratepayers?—Yes.

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3091. It does not follow that the persons chosen by the ratepayers should be necessarily persons who have any feeling or taste, or knowledge in these matters, does it?—It is just possible that such persons might be elected.

3092. Supposing that the rates were rising, and that it was a question of electing one of two candidates in a district to be a representative on that Board, one of whom we will assume to be my honourable friend the Member for the University of Cambridge, who is known to be very "æsthetic," and to have been President of the Institute of Architects, and to look more to the ornamentation of the metropolis than to the lessening of taxation; the other candidate being a "tribune of the people," who does not care two straws for "æsthetics," and who does not care whether the Embankment is built of granite, or of concrete, or of wood, or of brick, but who cares very much as to whether he and the other ratepayers pay five shillings in the pound, or one shilling in the pound; which do you think, under those circumstances, would be more likely to be elected?—That would depend, of course, upon the local circumstances.

3093. And the state of feeling at the time?—The state of feeling at the time and the popularity of the party; but I take it, that in all elected bodies, beginning with the House of Commons itself, while you may have rigid economists elected in district A, you may have more liberal and enlarged views prevailing in district B; and that when they meet as an executive body for the purpose of transacting the business of the nation, or the business of the district, you get a controlling element in all bodies which would prevent the principle of extreme economy prevailing; take, for example, my own Board; there we have parties from all districts of the metropolis; many districts are extremely poor, and there nothing is so popular as a reduction of the rate, and yet the Board in all its works has adopted the larger view, not only with regard to taste, but to the quality of the work itself. All foreigners have borne testimony to the works; they declare there is nothing like them in Europe, and I think that is evidence that a body can be popularly elected that would on the whole exercise good taste. We have on our Board, I am happy to say, a great number of gentlemen, not only of good taste, but professional men of the highest standing, beginning with our honourable friend the Member for Bath. We have three or four other architects on the Board, and other gentlemen capable of exercising taste, and they do exercise public taste. I hope I may appeal, without vanity, to the works of the Board, as a proof that we have exercised that public taste.

3094. I hope you will not misunderstand my question, because the whole Committee rests upon the fact that this magnificent Embankment, which has been constructed by the Board, has been constructed entirely *proprio motu* on their side, and irrespective of any Government control or the control of any other body; but what we have to deal with now in this question of establishing a control which you say is necessary, is to try and find where, with the greatest security for the æsthetics of public works and public buildings that control can most surely rest: you say (which is perfectly true, and must necessarily be true) that it does not follow that in an elected body a district representative would be sent up on account of his æsthetic knowledge or taste; it might be the reverse, he might be sent up there simply to cut down all expenditure, and to look to that, and that only; so much for the district representations; in a body so chosen it might happen that the majority were of that view, and that then came the election of the chairman; might it not happen, under the present constitution of the Board, that instead of having a Board which, as you have said, has a great feeling for the æsthetics of the metropolitan improvement, and instead of having a chairman who shows himself to be the worthy mouthpiece and agent of such a Board, you might have a Board the reverse of this, and a chairman chosen who would represent that Board in that sense?—I do not think there is any fear of that.

3095. But is there any security against it?—If the Board has succeeded under its present chairman, I do not think there is any fear for the future.

3096. The basis of my question is, that it has succeeded under the present chairman; but still there has been, under the present Board and the present chairman, an ignorance and impatience of taxation shown, has there not?—No doubt.

3097. You spoke just now, with almost a sigh, of the sum of 5,000,000 *l.* which is at the disposal of the municipality of Paris, implying that you wish you had the same free command of money here?—I did so because the possession of that fund would enable us to make such an impression upon the metropolis in a few years as would do us credit, I think.

3098. But you have already found a difficulty in getting money, I think, have you not?—No doubt; that is the great difficulty with all public bodies.

3099. And you are not quite clear as to the future, how the funds are to be obtained, are you?—We have gone on up to this time, and sufficient for the day have been the funds thereof.

3100. But I have seen reports of some meetings as to some doubts where the money was to come from, for the continuance of improvements on the scale on which they have been hitherto made?—That discussion had reference rather to a particular mode of inviting tenders. It was a small loan of 150,000 *l.*, and it was suggested, that instead of sending out communications to insurance offices and other public bodies, and inviting tenders for a loan, we should publicly advertise for this loan. A good deal of discussion arose upon that; because money-lenders, or rather money agents, sent in communications, not very specific in their nature, professing to be able to obtain money for us; and we found that they were mere agents, and really had no principal who had money in hand to lend, and the Board were placed in some little difficulty in accepting the tender of A, he not being able to carry out that tender. But it had not reference to the general capacity of the metropolis to raise its funds. We shall have a Bill before Parliament before long that will help us, I think, in that respect. The rateable property of the metropolis has increased during the last few weeks over two millions within the metropolitan area. Within the last few weeks we have re-assessed the county of Middlesex, and the addition to the rateable property within the metropolitan area, which is not co-extensive with the county of Middlesex, is 2,200,000 *l.*

3101. Mr. *Tite.*] Within what time?—I suppose

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pose about four and a-half or five years; about the same as in Surrey. The rateable property of the metropolis must therefore now amount to 19,000,000 *l.*

3102. Mr. *Beresford Hope.*] Does that increase arise from an alteration in the principle of rating, or is it the result of a natural growth in the assessable value?—It is a growth; it is the rating for the whole.

3103. Mr. *Tite.*] It is a natural increase, you believe?—It is a natural increase; so that as regards the power of the metropolis to do its own work if it is left free, and such financial arrangements are made as to enable the Board to borrow its money, there is no doubt at all. We do not want the assistance of the Government; we are quite capable of carrying out our own works.

3104. Mr. *Layard.*] Have you generally found that in making arrangements for the construction of new streets or buildings, when you buy property under Acts of Parliament, or by other means, you can resell lands that you buy at no considerable loss, or sometimes even at a profit?—It is not our rule to dispose of land uncovered. We let for building purposes, and then sell after the houses are erected.

3105. Practically it comes to the same thing; if you have not obtained back your capital you obtain an interest on your capital, and eventually the capital itself; but do you find that you lose by those operations?—I do not know what you contrast it with; if you contrast it with the cost of dislodging all interests, beginning with the fee, and then taking the superior lessee and the sub-lessee, and two or three under tenants, and if you have to deal with all those interests, and then if you ask me whether we sustain a loss, I say that undoubtedly we sustain a loss.

3106. In the case of the new street in Southwark, for instance, what has been the result?—I should think the actual cost of the street must be 60 or 65 per cent. of the gross outlay.

3107. There was a loss where you cleared houses in order to avail yourselves of the space for the street; but taking in the land on either side, which you bought, and which you have now let out on lease or otherwise disposed of, do you mean to say you have lost upon that?—I think, if the question means this: what did the piece of land marked A, which was formerly covered by five or six houses, cost on purchasing the fee and purchasing the interest of the lessee and all other interests, and what can you sell the area of that land covered by the five houses for, and what would be the loss, I think the loss would be considerable.

3108. Have you ever calculated how much per cent. it is?—The principle of compensation under the Lands Clauses Act is this: in the first place, the price that you are obliged to pay for the houses and land in question is the highest possible price, and then you add, for compulsory purchase, 10 per cent. You can easily imagine, therefore, what the cost of getting rid of all those interests must be, and what a small proportion indeed must be the sum which you will get in return for the sale of the land in question. It is true that, in some cases, such, for instance, as the Mansion House-street, where we find a number of small houses at the rear, and we are taking sufficient land in front for the erection of a respectable class of building, we think we can take the houses at the rear, which are a small cottage property, as the case may be, where there is very little access, and that, contiguous to a fine open street, the ground has increased enormously in value without doubt; but, if you ask me simply the result, the loss must be considerable.

3109. Could you furnish the Committee with any general statement, without going into details, as to the actual net cost of the construction of that street in the City?—I think you may take it, as a rule, about 60 per cent.

3110. Mr. *Tite.*] With regard to Garrick-street, has not that been carried through without any cost to the public?—No.

3111. What has been the loss?—The total cost of Garrick-street was 508,002 *l.* of which only 52,745 *l.* 4 *s.* 10 *d.* was repaid by sale of ground-rents; the remainder was defrayed by the accumulated coal duties of previous years.

3112. Lord *John Manners.*] Am I wrong in supposing that the Duke of Bedford contributed to Garrick-street? — His Grace contributed 15,000 *l.* on account of the improvement in opening up his property.

3113. Mr. *Layard.*] I will take such an area, such as you have described in the City as opened up by the new street, an area densely covered with small houses of a poor description, and then apply that area without reference to the space given for any thoroughfare but to building good houses; do you suppose the loss would be considerable there?—The value of the land, as I said before, is so influenced by its position, near to what will be one of the most important streets in the metropolis, that the value has greatly increased; but if I were to deal with that land apart from the thoroughfare, and its advantages by its connection with that street, then the loss would be very serious indeed.

3114. *Chairman.*] Then we come to this; that although you have no doubt that the character of this elected Board in future, and the tastes and views of the chairman will be æsthetic, and that therefore the control, as far as æsthetic control is concerned, will be as efficient, and work as well in the future, as you believe it works as established at present, still it might be the reverse of that?—It is a very distant probability.

3115. That is another thing, but that it might be is clear; one never knows what the character of the next Parliament will be, when a dissolution takes place, although you may assume and reason; what might lead to this change might be this, ignorance and impatience of taxation, and the increase of rates beyond what people will bear; therefore you have no positive, certain security that in any Board such as yours you would have that æsthetic control which is required, though I grant you that you probably would have it; there was once, was there not, a control exercised by Parliament over your Board?—Yes.

3116. That control rested in Parliament by the original Act, did it not?—There was no control by Parliament; there was simply a certain veto exercised by the First Commissioner of Works.

3117. I think, if I recollect right, the Act was to this effect; that if the Board proposed an expenditure above 50,000 *l.*, the First Commissioner had a veto; and if the expenditure exceeded 100,000 *l.*, it was to be brought before Parliament, which practically gave Parliament a veto; that was so, was it not?—Yes; so far as that veto is concerned, it was perfectly idle; there is no improvement costing 50,000 *l.* for which the Board

Board must not go to Parliament for compulsory powers.

3118. But in the original design of Parliament, when your Board was first constituted, it was the intention of Parliament, was it not, that there should be a double control over your Board; in the first place that when the expenditure exceeded 50,000 *l.* the control should rest with the First Commissioner of Works, but that where it exceeded 100,000 *l.* the matter should be brought before Parliament?—I do not know what the intention of Parliament was except from the English of the Act itself, but I know what the intention of Parliament was in 1858.

3119. But the effect of the original Act was, as I have stated, was it not?—I believe it was so.

3120. Then we may presume, may we not, that it was the intention of Parliament that there should be those two controls?—It was a new body, and Parliament had no experience of the action of the body, and probably it was a precautionary measure and was deemed so by Parliament at the time; but in 1858 the working of those vetos was found to be so mischievous, that Parliament without hesitation repealed the whole of them, and from that date the actual works of the Board commenced.

3121. Parliament did require such control when your Board was first constituted, and subsequently in 1858 that control was done away with; was that so?—Yes, three years afterwards.

3122. Mr. *Layard.*] Let me put to you a case illustrative of the questions which the noble Chairman has put to you; the case of Finsbury Park is one in point. There, before the Act abolished the power of which the First Commissioner was possessed, he would have had a veto upon the construction of Finsbury Park; you deposited in the Office of Works a plan of that Park, approved by the First Commissioner of Works, and he would have had to see that you carried it out; by the Act of 1858 the power of the First Commissioner was taken away, and consequently he has now no control over it; is that so?—He would not have had before.

3123. Then what was the use of depositing the plans with the Office of Works?—It was a mere act of courtesy, I suppose.

3124. I think, under the Act, the First Commissioner had to approve of the plans for the park, had he not?—I think it might arise in this way; not because the First Commissioner had any veto over the plans proposed by the Board, but it was agreed under Lord Palmerston's Ministry, that the Government should contribute 50,000 *l.* towards that park. The Bill was brought in by some parties representing Islington and Finsbury, and other parishes, and was ultimately accepted by us. The Government were not able to carry the Vote in question, and the whole cost, therefore, of that park was thrown on the funds of the metropolis. It was not deemed right to make any alteration in the general description, because the Board had the power to take either 250, or 230, or 130 acres, as the case might be, and therefore the matter went on. The Board adopted the Bill, and under the first arrangement the Government having to contribute 50,000 *l.*, might be the reason why those plans were originally deposited in the Office of Works.

3125. *Chairman.*] The principle upon which you ground your position that this controlling power, which you say should exist, should be vested in the municipality or in your Board of Works, is the principle of taxation and representation; is it not?—Yes, consistently with the legislation of the country. In the case of Edinburgh, or Glasgow, or Liverpool, or any other large towns applying for powers, no question whatever is raised; they are left to their local Acts to carry out their improvements, Parliament clothing them with the necessary power.

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3126. That is to say, you rest it on a double ground; you rest it upon the ground of representation and taxation, and you rest it on the ground of analogy: you say that it ought to be general, and that the metropolis and those other towns should be in the same position; that is to say, you put the metropolis on the same footing as Glasgow and those other places to which I shall come presently; from your own evidence to-day we learn, and we see with our own eyes, that the great evils of which we have to complain in this metropolis are not owing to the mismanagement of the Board of Works in the construction of their works, such as the Thames Embankment or the building at Barking for the sewage; but as regards railway stations, railway bridges, and gas works possibly, waterworks possibly, and St. Thomas's Hospital, as a semi-public corporate body; as regards obtaining control over railways, and over this description of property, and giving that control to your municipal Board of Works, the principle of taxation and representation would wholly fail, would it not?—Not at all; it directly applies. The object of controlling railways is to protect the interests of the general ratepayers as a principle, and sustain something like public taste in the construction of their works; surely the ratepayers, and the ratepayers only, I was going to say, or at least principally, are interested in that matter; and their representatives are the proper controlling body.

3127. No doubt they are interested æsthetically; but, unless they are shareholders of the railway, there is no question of rating in the railways; and unless they are members of St. Thomas's Hospital, there is no question of rates and representation with regard to St. Thomas's Hospital; resting your claim upon the mere question of rating would not affect those semi-public bodies who are not ratepayers, in that way, such as the railway and St. Thomas's Hospital, would it?—Supposing that they propose to erect a building generally offensive to the public eye, or in such a position as to interfere with light and air, or to interfere with the rights of adjoining owners of property, or to prevent any public improvement being carried out; all those questions, although the building itself is in the hands of a semi-public body, might seriously affect the public ratepayers, and the representatives of the ratepayers are of course the parties to step in and protect their interests.

3128. Still the two things would not be exactly on the same footing; between control over works which are paid for by the ratepayers, and control over works which are not paid for by the ratepayers, there would be a manifest distinction, would there not?—In degree, the ratepayers are interested in those works; and the proper parties to protect them are their own representatives.

3129. You say that the other ground upon which you rest your position is, that the practice should be universal, and that London should be treated precisely in the same way as Glasgow, or Edinburgh,

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Edinburgh, or any other city; do you not think that there is a manifest distinction between the metropolis and other cities in the kingdom?—Yes; and I have endeavoured, before Committees of this House, to urge the distinction between the metropolis and the country, and to draw a conclusion from that distinction—referring to the manner in which the metropolis of France, for example, or Belgium, or of any other country, is dealt with—that the State should contribute something towards the embellishment of the metropolis, and not throw the whole burthen upon the ratepayers. But a different opinion prevails in this House, that the metropolis must take care of itself, and that it would be unjust to contribute towards the metropolis and refuse to contribute towards Manchester. That is a process of reasoning which one can understand; but, assuming that that principle is to prevail, and that the metropolis is to be put on a par with other towns, do not degrade the metropolis by instituting a controlling body here which you allege is not necessary elsewhere; because by this means you do degrade the citizens of the metropolis most frightfully, and I think that there would be such a protest against it as would make any law which was passed nugatory.

3130. You say that it would degrade the citizens, but might it not be the reverse; might it not be that the metropolis is so important that control ought to be exercised there, and that the best security and advice which can be got should be obtained to embellish the metropolis or guard against its being rendered unornamental, and while as regards provincial towns, you leave them to take care of themselves?—Every man in the metropolis would feel himself personally lowered in his own estimation, if he were deemed less capable of exercising municipal functions, than a citizen of Edinburgh, Glasgow, or Liverpool. That is my point. I do not carry my term of "degradation" beyond that.

3131. That would depend very much upon the constitution of such controlling body, would it not?—I venture to believe, that if the controlling body were formed to-morrow, the first thing that it would do, would be to disagree amongst its members. I believe that one would set up one style of architecture, and one another style. I am speaking in the presence of the present president of the Institute of Architects, and of the late president; but my experience proves to me, that a body so constituted would never work harmoniously; independently of which, the result, I think, would be to increase the cost of the works, and thereby to produce so great an amount of irritation, and so strong a feeling on the part of the ratepayers at their being put to such a cost, that the committee would not last very long after it was appointed.

3132. Mr. *Beresford Hope.*] Do you speak from experience of the taste-members of your own Board, when you speak of quarrelling over styles of architecture?—No; but I am speaking of gentlemen selected by their different qualifications as having different views. The Honourable Member knows pretty well the quarrel about different styles of architecture.

3133. The Honourable Member for Bath and myself may disagree, but we never quarrel. Why would there be a greater risk of quarrelling in such a body as I am on with him and yourself, in debating the styles of architecture, than in the Metropolitan Board of Works?—I think such bodies, as a rule, are subject to public opinion, and I do not think they would carry out a discreditable design, or if they did carry it out, I do not think they would carry out another, but I think that the gentlemen selected would be so much superior to the general public, that they would disregard public opinion, and exercise their own control, and we might have a contradiction in designing, and a result in cost which might be very unsatisfactory to the ratepayers, apart from the principle upon which I object to it, believing that it is unsound.

3134. *Chairman.*] Reverting to the question of principle, you are in favour of treating London in the same way as the cities in the provinces, with regard to local self-government; but at the same time you admit that you would wish to see London treated differently, and certain sums given from the public exchequer to great metropolitan improvements. I suppose that you consider the Thames Embankment such a general improvement as would have justified such an expenditure?—I have given up all hope of securing any contribution from the national revenue.

3135. Without indulging in hopes, have we not certain facts to go upon, which facts show that although London is in a different position from Glasgow, Edinburgh, or any other city which you may choose to mention, we have great public buildings erected in London at the public expense, such as the National Gallery, the British Museum, the public offices, the Jermyn-street Museum, the Law Courts, and the Kensington Museum?—Yes, no doubt.

3136. So that those buildings being either existing or in process of erection, and large sums of money being voted by Parliament, amounting to millions, you have the fact that as regards buildings, London is in a totally different position from Glasgow or Leeds?—Yes; only the Committee must remember, as regards the most costly part of those buildings, there is no revenue derived by the metropolitan authorities, because those buildings are not rated.

3137. No doubt, but we are upon the æsthetics of the question now. I do not say that they are all ornamental; some of them are, and we assume that they all ought to be. Now we come to parks. Is it not the case that you have parks in this city which are maintained, not out of the metropolitan rates, but out of imperial funds?—Yes.

3138. And that a very large sum of money is voted annually for the maintenance of the parks in London?—No doubt.

3139. So that besides the public buildings to which I have referred, you have another manifest distinction between the metropolis and between those local towns; and that therefore the principle of equality so far does not hold; that is so, is it not?—To that extent, no doubt.

3140. Lord *John Manners.*] To take the case of Edinburgh and the case of Dublin, are there not parks and gardens, and large public buildings maintained at the imperial expense in those two cities?—Clearly.

3141. *Chairman.*] Might I deduce from that, that Edinburgh likewise, as being the capital of Scotland, and Dublin, as being the capital of Ireland, are also exceptional cities, and that what holds good with regard to Leeds and Liverpool does not hold good on that principle with regard to Edinburgh and Dublin; but that Edinburgh, and

and Dublin, and London are, as a matter of principle, on the same footing; and that therefore there might possibly be a control exercised in Edinburgh and in Dublin, as in London?—But no control has ever been sought to be exercised over Edinburgh and Dublin, and I say none ought to be over London.

3142. Mr. *Layard.*] There being public buildings erected in London at the public expense, that is to say, out of the revenues of the empire, would it not be just that there should be some control exercised by the Government as representing the public, to prevent those public buildings being disfigured?—The Government do exercise control directly.

3143. For instance, take Trafalgar-square. Parliament has decided that that is the most advantageous site in the metropolis for the National Gallery, on account of its peculiar position at the end of Whitehall, and they have consented to the expenditure of a considerable sum of public money to secure that site; the Metropolitan Board of Works, or a private company, might obtain power to carry a railway right across Whitehall, where it joins Trafalgar-square, and utterly destroy the site, might they not?—I think that is really inviting a difficulty, without dealing with the present one.

3144. It is perfectly possible, is it not?—Yes.

3145. Mr. *Buxton.*] It could not be done without the consent of a Committee of Parliament, could it?—No; and you cannot touch Government property without the consent of the Crown, and without the Crown having control over it; and the Crown can make its statement to the House, and stop any Bill before its third reading.

3146. Mr. *Layard.*] The First Commissioner of Works would have no *locus standi* before a Committee upon a railway bill, would he?—But he can stop the Bill if it is to spoil a public building; you would not suggest that there should be a Committee of Taste to control the Office of Woods and the Office of Works, in the exercise of their duty.

3147–9. I do not mean spoil the building, but spoil the site, and consequently the effect of the building, after a large sum of money has been expended in order to secure it; you put the same case as regards your street in Southwark; you say you have gone to a great expense in building a street which is to be an architectural ornament to that part of London, and your design is completely destroyed by railway bridges over which you have no control; are not the two cases analogous?—If I had been the representative of a Government Department, I should have stopped that Bill, but being a much weaker vessel, the Bill passed, and the mischief was done.

3150. *Chairman.*] What occurred to your street might perfectly well occur with regard to a public building; that is to say, that a railway might go in a line so as not to interfere with the building itself, but that they might have one of those hideous structures which would destroy the effect of the building, without Parliament knowing anything about it, because the designs would not be laid before Parliament; might not that be so?—Surely Parliament before they sanction a line should make some inquiry; that is one of the difficulties with which we have to contend; of course unless we are to exercise confidence in the House itself, there is no protection.

3151. Mr. *Layard.*] As regards the Metropolitan Board of Works, the railway would be compelled to deposit in your office their plans; with regard to the Office of Works there is no such objection; therefore the Government have no knowledge whatever of what is taking place, and a Bill might pass through Parliament without the First Commissioner knowing anything about it, might it not?—That is very easily remedied by amending the Standing Orders, and making it compulsory upon all promoters of Bills to deposit plans in the Office of Works; that was the difficulty we felt, and we obtained the alteration in question.

3152. *Chairman.*] Supposing that it appeared desirable that some other body beside the Metropolitan Board of Works should take cognisance of these matters in London, I suppose you would naturally turn in the first place to the Office of Works?—I cannot turn to any, because I protest against all.

5153. Lord *John Manners.*] You have had experience of the control of the Office of Works, have you not?—I had two years on the gridiron.

3154. And you did not find that to work satisfactorily?—Very much the contrary.

3155. *Chairman.*] You have had the control of the Office of Works as hitherto constituted, have you not?—Yes.

3156. The constitution of the Office of Works is so far purely Parliamentary that the First Commissioner is appointed by the Government of the day; though, of course, they have been very fortunate hitherto in the person appointed, it does not necessarily follow that the person appointed to that office is a person who has turned his mind specially to the objects for which that office exists?—It may undoubtedly be an unsuitable appointment.

3157. Do you think that, considering the important charges which are placed under that office, of the supervision and erection of all those Government buildings, it would be desirable to make that office more important in the State than it hitherto has been, and to have something like a Minister of *Travaux Publics*, as they have in France?—If that question is put for the purpose of leading to an expression of opinion on my part, that a similar action should take place here to that which takes place on the Continent; then I should say by no means strengthen the Office of Works.

3158. Do you mistrust the Office of Works as connected with those æsthetic matters as hitherto constituted?—Pardon me; I make no allegation against the good taste of the Commissioners present or past, but I protest against their exercising powers which, under our form of Government and ideas of representation, they have no right to exercise, and which would be very strongly resisted if attempted.

3159. Supposing that it was determined by Parliament that there should be a control exercised over those works in the metropolis, and supposing that Parliament had determined that it was not to be your Board exclusively that was to exercise this control, should you think that a good Board might be constituted by adding to the present Office of Works a sort of council of advice?—I do not think a good Board could be formed, and that is my difficulty; when I say a good Board, I do not mean that it is impossible to find able men in the metropolis capable of exercising their taste, but I do not think that considering the peculiar taste they would have to

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exercise, and the body they would have to control, a good working board would be formed; I think it would be brought to a dead-lock in less than two years.

3160. You do not think that either on the representative principle, on the *ex officio* principle, or the nomination principle, or a mixture of any two, or all three of those principles, a Board could be found which would work satisfactorily?—How are you to get another representative board of that class? You have one already.

3161. Why should you not, if you want a representative board, take certain bodies already existing, such as your own, the Metropolitan Board, the Institute of Architects, the Institute of Civil Engineers, and the Royal Academy; and why should not each of those bodies send a representative to form a sort of council of advice like the Indian Council, to assist the First Commissioner of Works, as the Indian Council assists the Secretary of State for India?—The cases are not at all analogous; the Government of India is one thing, and exercising an architectural taste in the metropolis is quite a distinct and separate thing. I believe in the first place, that they would disagree amongst themselves, and I believe, in the second place, that the cost of the metropolitan works would be greatly increased by the exercise of their veto. I might give you one instance; under this veto, Sir Benjamin Hall invited three engineers to prepare a plan for the main drainage; they did prepare a plan in competition with our own, and when that plan was presented, several discussions took place, and we very carefully took out the quantities, and estimated the cost of that particular plan produced by the nominees of the Crown, and the cost of that plan would have been eleven millions, whereas we have successfully carried out the main drainage for four millions and a half.

3162. Supposing that, instead of being nominated by the Crown, you took *ex officio* members, I should assume of course that the first *ex officio* member of such board would be yourself, or the chairman for the time being of the Metropolitan Board; taking then the President of the Institute of Architects, the President of the Institute of Civil Engineers, and the President of the Royal Academy; would not such a body as that give you, as regards æsthetics, a probability that the best advice which could be got in the kingdom would be on that board?—No doubt individually they would be very competent judges, but as to their practical working I have no faith whatever.

3163. You assume that everybody will quarrel except the Metropolitan Board of Works?—No; I think gentlemen having a special notion of their qualifications for a particular thing will assert that notion with more perseverance than representatives at a public board who might yield to public opinion; they would consider themselves rather above public opinion.

3164. Why should they assert their opinions with more perseverance than men chosen by districts to go to a certain board, and who are sent there to give effect to the views of their constituents?—I can just imagine that board meeting to deliberate upon a particular matter; a member takes a strong view in one direction, and another one of them says: "Now, gentlemen, we are constituted by reason of our special qualifications for this particular work; we are not to be led by public opinion, but to lead public opinion, and therefore we will force this upon the representatives of the metropolis, whether they will or not, and regardless of cost.

3165. The head of such a board would be a Government officer, and the metropolis has a considerable number of Members, has it not, in the House of Commons?—Yes.

3166. Of course the final decision would rest with the head of the board, the First Commissioner; this would only be a council of advice, whose opinion the First Commissioner would follow or not, as the Secretary of State for India does, if he thinks it right; but do you not think that the feeling of the ratepayers, and the representatives of the ratepayers, at present would be very much considered by the Ministry of the day?—It is just possible that he might take an exactly opposite view to the one which we might entertain, and he might say, "I feel it my duty conscientiously to carry out that particular view. I pay very great attention to the representations which you have made to me, but I have statutory responsibility upon me, and I must therefore report that such and such a thing ought to be done." I can quite conceive a conscientious Minister so reasoning, and reasoning against the interest of the ratepayers.

3167. You think that such a board would not work, and that the only board which would work would be your own board with this extended power: but supposing it were thought right that the Government should have a control, do you think that an *ex officio* board, such as I have referred to, would be better than a nominated board?—That is merely a choice of men. In a nomination they would be selected for their special qualifications, to which your Lordship has referred; and if they were *ex officio*, no doubt from the very position they occupy we have a right to assume that they would be properly qualified.

3168. By taking *ex officio* men in that position, who are chosen by the bodies whom they represent, you would, to a certain extent, have a representative element, in the first place in yourself, as the representative of all the ratepayers in London; in the President of the Institute of Civil Engineers you would have a representative of the Civil Engineers; in the same way with the Royal Academy, and in the same way with the Institute of Architects; so that you would have representative men of all the bodies sitting *ex officio* on the board, who ought really to have a voice on all those questions?—My vote would be as one to seven, or 10, or 12, as the case may be. Supposing the Engineers, as a body, were to take a notion into their heads to make a great display, now that they had metropolitan funds to deal with, and not a joint stock company, and were to say, "We will exercise our influence to induce the First Commissioner to carry out a particular form of structure," which was very expensive, or not at all appropriate, the ratepayers would be involved, of course, in very great additional expenditure, the carrying out of which might not even be as ornamental as a less expensive work.

3169. Why do you assume that the First Commissioner would be guided solely by the opinion of the Engineers?—I think that the First Commissioner, as an ordinarily modest man, calling eight or ten professional men to advise him, must necessarily be guided by their opinions.

3170. I have only mentioned four?—I think, if

if four eminent men were called in to advise the First Commissioner of Works, he must be a strong-minded man, and a man of very strong prejudice, unless he were to give way to the representation of those four highly professional and educated scientific men.

3171. Mr. *Layard.*] Would he not be pulled up by the Honourable Member for Westminster, and other metropolitan Members, if he threw away the ratepayer's money?—I would rather trust the Honourable Member for Westminster than many professional men.

3172. Viscount *Sandon.*] But the four nominees would all have to concur in order to overpower you?—No, I understand the proposition to be, that the veto is to vest in the First Commissioner, but that he is to have so many professional gentlemen of standing and known taste to advise him; I say the First Commissioner, unless he disregarded the opinion of all his council, must give weight to the statements made to him by the gentlemen selected for this special qualification; I am sure I would not serve on such a commission, unless one's opinion really had fair consideration; no gentleman having any self-respect would serve on such a body without his opinion carried a certain weight.

3173. *Chairman.*] Then, as you would naturally give the best advice you could to the First Commissioner, the First Commissioner on his responsibility would depart from that advice; but the probability is, that that advice would be so reasonable that he would generally follow it; of course you would not, in establishing such a board, lay it down as a *sine quâ non* that whatever the majority of that council, as I have called it, decided, the First Commissioner was *ipso facto* to follow?—I did not apprehend that, but still I think they would have such an influence with the First Commissioner that his individual opinion would be absorbed in the opinion of his council.

3174. Do you not think it very possible, that in the Parliamentary changes that take place, this office being made an office of convenience or necessity by the Minister of the day, sometimes it might be desirable on occasions to have such controlling power, so far as it is a moral control, over the action of the First Commissioner?—I do not think he ought to exercise any control at all except in his own department; the moral control would amount to nothing.

3175. Lord *John Manners.*] You have been asked as to a sort of Board of Advice to the First Commissioner, two members of which are to be the Presidents of the Institutes of Architects and of Engineers; am I right in supposing that those officers change very frequently?—The election of the President of the Institute of Architects is triennial, and of the President of the Institute of Engineers biennial.

3176. Therefore, out of this Board of four or five, two would necessarily be subject to very frequent change?—Constant change.

3177. I believe, at the present moment, we have the advantage in this Committee of two gentlemen who have been, or one of them is now, the President of the Institute of Architects; am I right in assuming it to be a matter of public notoriety, that the advice which they would respectively tender to the First Commissioner of Works in matters of taste would probably be diametrically opposed the one to the other?—It might be so.

3178. Mr. *Beresford Hope.*] Do you not think that your objections to such a board would be rather mitigated than increased by the infusion of new blood by rotation on such a body?—Nothing can mitigate that which is radically wrong in the foundation; the principle is wrong; it is quite clear that it is contrary to our accepted notion, and our perpetual practice of representation and taxation.

3179. May I ask whether your objection to the Board of Advice is based on your fear that it will be too strong or too weak?—My objection is not to the individuals composing that board.

3180. But with regard to a body constituted generally, as the noble Chairman has sketched out, do youthink it would be too strong or too weak?—It is quite clear that it would be stronger than the whole body of the representatives of the metropolis, because it would put a veto upon every one of their acts.

3181. The committee's advice would not necessarily be followed?—The First Commissioner, as its mouthpiece, would pronounce the veto.

3182. Would you prefer a First Commissioner to a certain extent kept straight by people who know something of the subject, or a First Commissioner appointed for political exigencies, and having his own uncontrolled way?—Nothing has got crooked, as far as I can understand, in the works of the Metropolitan Board. All around I hear nothing but general satisfaction with the works that the Board have carried out. Now what is to be put straight?

3183. The vexatious interference of railroads with Southwark-street, such as you quoted to us, and in which we sympathize with you, and help you in such a fight; do you think that a Minister, supported by a Council of Taste, could stand by you, and assist you in the case?—I think all we want is the ear of The House, when we make representations in the interest of the general public, and I venture humbly to submit that is the duty of The House to give effect to that which is represented as for the interests of the general public and the protection of the general public.

3184. Then may I, without offence, ask why such a representation was not successful in the case of Southwark-street, which you constructed?—I think Parliament, like every other body, has to learn, and I think examples such as that to which the honourable Member has referred, and to which the noble Chairman has referred to-day, will tend to educate The House itself up to a conviction that the representations made by the Metropolitan Board, or by public authority on these matters, should receive attention, and that they should be clothed with sufficient power to control that state of things.

3185. Mr. *Layard.*] Do you think that the relations between the First Commissioner of Works and the Chairman of the Metropolitan Board of Works could be improved, and that they could be put more intimately into connexion with each other, so that yourself, for instance, the chairman, might receive the official support of the First Commissioner?—Nothing can improve the relation between the First Commissioner and myself now; everything is most agreeable; everything that I desire to be done is listened to with very courteous attention; and all the help that I want in Parliament is given me.

3186. Our private relations have no doubt always been of the most amicable character, but I am speaking now of official relations; do you think

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think that the two could mutually aid each other in any way?—I should be very glad indeed to have the First Commissioner an *ex officio* member of the Metropolitan Board.

3187. *Chairman.*] Do you think it would be a degradation to the Metropolitan Board, or to the ratepayers of the metropolis, if their chairman were to be an *ex officio* member of the consultative body of the First Minister of Works?—I do not think it would degrade the chairman to be associated with a number of gentlemen; but the Board itself would feel annoyed, I am quite sure, because a proposition was made some 12 years ago that the construction of the main drainage should be put into a commission of three; I was to have been one of that commission, and I then strongly protested against the principle, and it was given up.

3188. Mr. *Tite.*] Have you not found, as a matter of fact, in the various appeals that you have made to Railway Committees, in which you have stated that you have failed, very great jealousy on the part of those Committees to listen to the opinion of anyone, however officially placed, and a great tendency to act upon their own judgment, as led by counsel, or misled by counsel?—I think, so far as I am able to judge, that in Committees of this House the advice of any special counsel would be rejected, and Committees would assert their independence.

3189. Do you recollect the course taken by Sir Robert Peel, when he was chief Minister, with regard to all the railways then approaching London, and that he referred the whole of the Bills to Mr. Laing, and that I believe universally the reports which Mr. Laing made were rejected by the various Committees to which the schemes were referred?—The Committees of the House, as I am aware, are extremely jealous of any interference of that kind.

3190. *Chairman.*] I think you said, in answer to the honourable Member for Bath, that you think the recommendations of such a council or committee would not be attended to by a Committee of the House?—I hope I did not say that; I saw there was a jealousy on the part of Committees of this House with respect (probably I ought not to use the term "dictation," but) to suggestions to the Committee, who meet for the purpose of receiving evidence, and deciding for themselves; but I believe, from my experience of Committees of this House, that they would not favourably receive the report of such a commission.

3191. But supposing that concurrently with the establishment of such a council, it was in the Standing Orders that no railway could commence its operations, or be considered to have got its Bill, until it has satisfied this council that its works in the metropolis would not be injurious, but rather otherwise; do you think there would be any difficulty about it?—If your Lordship means that the House itself, in order to aid its judgment, and the judgments of its Committees, chose to appoint a dozen gentlemen who would be a kind of referees, who should examine those Bills, and report for the information of the House, of course I have not a word to say upon the matter.

3192. I mean that, as at the present moment, before a railway Bill can pass, its promoters have to satisfy the Committee that it has so far fulfilled the requirements of the Board of Trade and the referees, so, in addition to those requirements, it would have to satisfy the Committee that the First Commissioner and his council were satisfied with the elevations, and the nature of the works that were going to be conducted in and through the metropolis?—Upon that I am unable to give an opinion.

3193. Mr. *Tite.*] With regard to the disinclination of Committees of the House to adopt the advice of other men, you have spoken of your own case in Southwark-street; did you yourself give evidence upon that subject?—I do not remember at this moment.

3194. But the undesirableness and inconvenience of crossing that great street in the offensive way in which it was done, was strongly expressed, was it not?—Yes.

3195. Do you recollect any steps being taken with regard to the bridge across Ludgate-hill?—Yes; that was rather a matter within the jurisdiction of the Corporation of the City of London; but I remember the difficulty the Corporation had in getting anything like an ornamental bridge put there.

3196. Do you know that the architect of St. Paul's, Mr. Penrose, who is a very learned man, and myself, then president of the Institute of Architects for the first time, did our best in every possible way to prevent this bridge being built at all?—I think that was so.

3197. And that we argued conclusively that there was no necessity for the bridge, but that the railway could have been sunk under the street?—Yes, a little higher up.

3198. And that the Committee and also the board of the railway rejected the advice so given by two men possessing some claims to confidence, and the result has been exactly what we see in this photograph?—Yes.

3199. As to the constitution of the ratepayers' board, do you think it is the proper authority to determine upon those questions. I apprehend that that is resting mainly upon the irresponsibility of any council or appointed body of this kind to the public, except through the influence of public opinion, to exercise such a function in the metropolis?—That is one of my objections.

3200. Whereas you think that men elected (as I am) by a public election at certain intervals of three years, being thereby thoroughly responsible to the large district which they represent in the Metropolitan Board, would have a more useful influence than the mere nomination or representation that was brought about by the machinery suggested by the noble Chairman?—Clearly.

3201. Mr. *Buxton.*] Do you think that if the ratepayers of the metropolis select anyone to be at the head of the works done in the metropolis, the whole management of those buildings ought to be in the hands of those whom the ratepayers have elected, both as regards their appearance and in every other respect?—Yes.

3202. You think that is most consistent with the principles of popular self-government, do you not?—Clearly.

3203. And that if, on the other hand, those whom they select to carry out their works were subject to a council of the kind that has been proposed to-day, there would be no more security that that council would really exhibit very great taste than if it was left in the hands of those chosen by the ratepayers?—I think not.

3204. And that they would be almost certain to run the ratepayers into very great expense?—I think

I think that would be a tendency of the council.

3205. And that it might also interfere with the way in which the works were carried out?—Yes.

3206. Do you think, upon the whole, that it would be safer for the metropolis to have its buildings in one hand rather than in the hands of one set of functionaries to carry them out, and of another set to see that they were made beautiful in appearance?—I think so. If Parliament is satisfied that some additional control is necessary to protect the metropolis from that which we all concur in considering as an eyesore and mischief, then I think it ought generously to trust the representative body, and if that body fails to carry out its duties creditably, then to discuss the question of appointing a Council of Taste, or whatever it might be called.

3207. *Chairman.*] In the case of railways, and of St. Thomas's Hospital, it would not be the same body that would carry out the works, if you had the control, would it?—I am speaking of the representative body being the body to control.

3208. The Honourable Member for East Surrey said that it was desirable that the same body who had the control should have the carrying out of the works; the great evils we have found in the metropolis are the railways and those semi-corporate establishments, such as St. Thomas's Hospital, where, if the control were given to the Metropolitan Board of Works, it would not be the Metropolitan Board which would have the carrying out of those works?—No doubt my objections would apply with greater force in improvements which we should have to carry out at the expense of the ratepayers.

3209. Those works being only a small portion of the works in the metropolis?—I go farther, and I say that, if rule or control is necessary to be exercised over works other than those which are carried out by us, we, the representative body of the metropolis, ought to have the control.

3210. Mr. *Cowper.*] You do not consider that it would be any hardship upon a railway company to require them to include among the engineering plans which they submit to Parliament other designs representing the architectural elevations of stations, and bridges, and other works placed in prominent positions in the Metropolis?—I think not.

3211. Would it be any hardship that they should be required by Act of Parliament to observe those architectural elevations unless they were dispensed from the necessity to observe them by some competent and special authority?—I cannot answer that question, unless I know what is to be the authority.

3212. Supposing that that authority were the Metropolitan Board of Works, what professional assistance are the Metropolitan Board able to command, in order to assist them in deciding upon any points of difficulty which may arise?—In the first place we have very able permanent officers, and it is a matter constantly occurring that we are seeking the advice of first-class men in every profession (lawyers, engineers, or architects, as the case may be) to assist us.

3213. The Board have a paid professional architect; have they other officers with a professional knowledge of architecture besides their ordinary architect?—Yes, two or three; we have four members of the Board, I think, who are architects.

3214. At the present moment you have four members of the Board who happen to be architects by profession; but do I understand that there are four architects engaged on the staff of the Board?—There is the principal superintendent architect, and there are several subordinates who are architects by professional training and education.

3215. The architect of the Board is entirely occupied by that business, and does not perform any private work, I presume?—None whatever.

3216. As the control of the engineering works of railways is entrusted to the Board of Trade, because that department has under its direction military engineers, who have special qualifications to decide upon engineering points, would it not be right that control over architectural construction should be entrusted to persons specially qualified in that branch of knowledge?—We have both engineers and architects; the engineers are capable of exercising judgment upon the engineering question, which I apprehend has reference to the strength of girders and general construction, and the architect is competent to pronounce as to questions of general taste.

3217. Supposing that Parliament were to desire that the advice, in regard to these architectural elevations, should be given by gentlemen who are considered to stand at the head of the architectural profession, would the Metropolitan Board have any power of applying to them for their assistance?—I do not know to what assistance the Right Honourable Member refers.

3218. Supposing that Parliament should say that it was desirable, in regard to the public taste, that there should be a body of persons who would exercise a control over the architectural elevations of railway companies and other works, and that Parliament should consider that the architectural advice should be the first which the country could supply, that best assistance might be obtained in the form of a commission, which the Executive Government would assemble for the purpose of giving an opinion upon those cases; but if the authority were given to the Metropolitan Board, is there any way in which the Metropolitan Board could go beyond the boundary of their own staff and of their own number, and get the highest architectural opinion of the country to aid them?—Clearly, and that is what they are constantly doing.

3219. Is there any case where architects of eminence have been called in, to aid the Metropolitan Board on architectural questions, independently of surveying, and the purchase of property?—The necessity has not arisen for calling in any architect to advise us upon purely architectural questions, but surveyors we are constantly employing; for instance, Mr. Pownall, and others of the highest class.

3220. When you are speaking of the responsibility of the Metropolitan Board, I presume that responsibility is merely the responsibility which they have to the ratepayers who have elected them; have they any responsibility to Parliament?—No, entirely to the ratepayers.

3221. So that if Parliament were to desire that the body who should exercise control in these very difficult and delicate matters should

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have that resposibility which is obtained by being represented in Parliament, and through Parliament, and its debates being controlled by public opinion, that sort of responsibility would not be conferred by the Metropolitan Board of Works?—If Parliament deemed it necessary to extend the powers of the Board of Trade for the purpose of dealing with the sort of difficulties which have been suggested, we can have no desire to interfere with it. All I protest against is a general council of supervision and control over a representative body in this metropolis. The Board of Trade does now exercise a certain control over railways.

3222. The Board of Trade now exercises control with regard to engineering circumstances; the Board of Trade are not competent to exercise any opinion that would be received with deference upon architectural questions; but would it not be right, to carry out the analogy, that another body, having functions analogous to those possessed by the Board of Trade in this respect, should be constituted, and should obtain the best possible architectural professional opinion?—If the Board of Trade, in the interests of the general public, desired the addition to its powers, not only with regard to engineering matters, but general architectural control, I have not a word to say against it; I have no objection to it at all. It is quite a distinct thing from that which has been suggested.

3223. You would not feel that any slight was thrown upon the Metropolitan Board if these powers of which we have been speaking were given to the Board of Trade; but you do feel a strong objection to its being given to the Office of Works; is that so?—No; I had the broad proposition put to me, whether, not only with regard to railways, but to all public and semi-public buildings, there ought not to be a committee or commission of taste to control and determine what should be the architectural elevation of these buildings; and against that I very respectfully entered my protest. With regard to the railways, which is only a part of the question, the Board of Trade exercising, as they do now, a control on the engineering part, I do not see why they should not exercise control, so far as the elevation of those bridges is concerned, to secure the points to which I have referred in my evidence.

3224. So that it would not seem to you in any way unconstitutional that whenever the powers of Parliament were invoked for the creation of any large building in a prominent position in the metropolis (whether it be a railway station, or a gas works, or any other building of importance, but it being always a building which required the intervention of Parliament) Parliament should create a board of advice or of control, to which all questions relating to architectural elevations should be referred?—Yes; the greatest possible objection.

3225. Then you draw in your own mind a distinction between railway works and gas works in that respect?—I draw a distinction between the general public buildings of the metropolis and railways, which are partly under the control of the Board of Trade now. The simple extension of architectural control and that of engineering is an extension which would not be offensive to the representatives of the metropolis; but if you travel beyond that, and include hospitals and other buildings of that kind, it becomes quite another question.

3226. Is the distinction which you draw, a distinction between those buildings which depend upon a private Act of Parliament, and those buildings which do not require an Act of Parliament?—There are very few buildings requiring an Act of Parliament to erect; gas works undoubtedly do, because they seek powers of control over the public streets and roads; but all ordinary buildings are carried out either by chartered bodies, or public bodies, or individuals, who do not require to come to Parliament at all.

3227. Then as far as the case is concerned in which Parliament gives fresh powers, what is proposed would be no very great innovation, would it?—Pardon me; I think that, so far as I have explained with regard to railways, there would be no objection; but there may be questions of gas works in which the ratepayers are deeply interested.

3228. *Chairman.*] Do you consider corporate property public or private?—Of course, so far as the Corporation are concerned, it is as sacred as my freehold, or the freehold of any other body.

3229. Mr. *Cowper.*] Then I understand that your difficulty arises in such a case as that of the St. Thomas's Hospital, where, though they are a corporate body, and have got possession of a very large piece of land, they had no occasion for a special Act of Parliament, and were, as you consider, in that respect in the same position as any private firm, or any private individual?—Clearly.

3230. In cases of that sort, do you think that it would be right to give to the Metropolitan Board a control over the taste, and the mode of carrying out the elevation of the buildings?—I think there would be a great advantage in having some control, so as to ensure something like uniformity; there is often a great difference in public buildings in the same street.

3231. Then the power which would be exercised would be analogous to that which the Crown exercises over houses built upon its property, or which the Marquis of Westminster exercises over the houses which he allows to be built upon his own land, would it not?—Yes.

3232. In those cases, the elevation is defined; and you think that some power analogous to that might be placed in a public body?—Yes, for public buildings.

3233. Mr. *Beresford Hope.*] Is not the objection which, as you have expressed, you feel at the interference of a minister or a council, to a certain extent removed, provided that the interference would not operate against the works of your Board, but would help your Board against interference from other quarters, as from railways?—As to the question which the Right Honourable Member has put to me with regard to railways, I think the power of the Board of Trade might usefully be extended (and to that we could take no personal objection whatever) so as to give them the control over the elevations of bridges over our public streets; but if it is a question of building gas works, or works of that kind, in which the ratepayers are deeply interested, we should object.

3234. Would you object to some department, either the Department of Works or the Board of Trade, having some power of interposing when gas

gas works might be erected in proximity either to some great building which you are erecting, or which the Government was erecting?—I suppose it would be competent for the Chief Commissioner of Works to make a representation to Parliament.

3235. But if it were not competent, would you be unwilling to see his hands strengthened in that respect?—We should not be unwilling to be assisted, either by the First Commissioner or by any other body; but we should be unwilling to be controlled in any way as indicated.

3236. Lord *John Manners.*] As to gas works, have there not been instances in which the First Commissioner for the time being did interfere and prevent gas works being placed in proximity to a public park?—Yes; in which we worked in entire accord.

3237. Mr. *Beresford Hope.*] Then, I gather, that your objection is rather to an undue control of you by the First Commissioner, than to a general superintendence exercised by the First Commissioner to prevent the metropolis being disfigured by the speculations of private individuals, or private companies?—So long as the First Commissioner does not tread upon the functions of the representative Board, we can have no objection, but we should be glad to have his co-operation; but immediately he gets within the sacred precincts of that which we deem to be our territory and our jurisdiction, then there would be the strongest objection, and I fear that objection would prevent the Act giving him such powers from working, because no Act of Parliament, unless it carries with it the consent of the people, will ever work.

3238. I suppose that, imbued as you are with sound constitutional principles, you would be as jealous of the First Commissioner interfering with the prerogative of the corporation of the City of London, as with your own?—Happily it is a matter upon which I have not to express any opinion.

3239. Supposing it to be a case of some metropolitan improvement on the borders of the City on which you and the corporation should get water-logged together, would you hail with satisfaction the advent of an arbiter, such as the First Commissioner might be, to keep the peace?—No; we would rather fight it out, as we have done before, and go on harmoniously afterwards. I should not at all like the idea of the First Commissioner interposing to determine what we should do, or what the corporation should do. I should feel for the corporation, just as I have felt for my own Board in that respect.

3240. *Chairman.*] With regard to that portion of the embankment which is between Blackfriars Bridge and the Temple, you came to a dead lock there in consequence of there being no power to decide between you and the railway company, did you not?—We came to a dead lock because Parliament refused to give us the power which we sought, of a control over that railway, and I remember our counsel, Mr. Phinn, stating to the Committee that we should be brought to a dead lock, and predicting the very class of thing which has occurred, namely, that the railway company might not be able to raise the funds, and that the works of the Board might be stopped; but if we had had twenty councils it would not have helped us out of the difficulty.

3241. Unless along with the council you had power given to the Commissioners?—No power on earth could have helped us, because the railway company has not the money. Parliament refused to give us control over them, and simply gave them five years to complete the works. The condition of the money market rendered it impossible for them to raise the funds, and we are brought to that position. You might have called the spirits, but they would not obey, and therefore the council would not have helped us in the matter, and we are still in that difficulty.

3242. Mr. *Beresford Hope.*] Then I gather, from what you have said, that the observations which you have made to the Committee have special reference to the prerogatives and functions of your own body, and that they imply no objection, on your part, to an interference on the part of the Minister with work of a semi-public character, for example, with St. Thomas's Hospital, or the new Royal Academy, or some of the great hotels of London, and buildings which possess an architectural and public character, though they are not technically public buildings?—I think, so far as the public buildings in the possession of the Crown, built and sustained from the national exchequer, are concerned it is quite clear that the Crown has now all the control which is necessary (and we have not, nor do we desire to have any control) with regard to all other buildings. If a control is to be established, that control ought to vest in the representative body.

3243. *Chairman.*] Do you think it would be possible to exercise control over such a building as an hotel?—That is entirely for Parliament to determine. I do not think it ought to be carried to a vexatious extent.

3244. We will not discuss as to where this controlling power should rest; whether it should rest with the Board of Works, or with the Office of Works, with or without a council; but supposing it is decided that there should be some control over public and semi-public buildings existing somewhere, do you consider that that control could be extended to private buildings, except in so far as it is now exercised by your Board, either under the Building Act or under your own Act?—It would never do to have a conflicting jurisdiction. You must have either one thing or the other.

3245. It is not a question of conflicting jurisdiction; but do you think that you could legitimately establish a public control in any way over private buildings?—It would be a conflicting jurisdiction, because under the Building Act and under the Metropolis Local Management Act, we are exercising now considerable control over private buildings.

3246. But your control at present over private buildings, does not extend to the architecture, or to the form of those buildings, does it?—No, but supposing that the First Commissioner were to step in while we were exercising our powers, and determined the particular form of elevation, it would be most inconvenient to have two public authorities.

3247. But do you think that it would be right or just, or possible, in a city like the metropolis, that there should be a body, whether the office of works or any other body, which should have the power to say to a man, "You must not only erect your building according to the Building Act, but it must be of such and such a form, and the architecture shall be so and so," and prescribe what

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the architecture of the building should be?—No. Of course waiving the question whether it should be exercised by A or B, I think that any power of that kind must be guarded, so that it does not become vexatious to the general public; and if it is to be a control, it clearly ought not to be a control as to the internal arrangements of a man's house, so that if he chooses to have a library on the right hand-side, and a dining-room on the left, a public office should step in and reverse it.

3248. Do you think you could get that control as to private buildings?—With reference to the elevation, I think not.

3249. Have they that control in Paris?—I think they have.

3250. That is to say, I have a plot of ground in Paris and I wish to build a house upon it, cannot I build that house according to the designs of my own architect?—I think not.

3251. Do you think that the people of this country would stand such an interference as that?—I think there would be a very strong objection to control over the elevation of private buildings, and if given, it ought to be given under certain restrictions.

3252. Mr. *W. H. Smith.*] Do you think that it would result in an improvement in the metropolis if such a control was given?—In some respects it would, but I do not attach much importance to it.

3253. Would it not tend to uniformity, as in the case of the public buildings in Paris?—Yes.

3254. *Chairman.*] At any rate you have no hesitation in saying that the control should be exercised over what I have called public and semi-public buildings, such as railway erections, hospitals, the buildings of chartered bodies, &c.?—Yes, if a reasonable line can be drawn; it is difficult to determine what is a public or a semi-public building.

3255. With regard to private buildings, do you think that that line could be reasonably drawn also?—I think probably it might; I have no strong opinion that control would have very much advantage over the private houses of the metropolis; we are improving in taste every year.

3256. I suppose you have no doubt in your own mind really that Parliament would never give such power?—I do not think it would.

3257. Lord *John Manners.*] When a public body comes to Parliament and asks for compulsory powers, do you think it would be fair for Parliament to say, "We will have a control over the architectural character of the building you propose to erect"?—I think so.

3258. Mr. *W. H. Smith.*] Do you, in fact, find a considerable amount of irritation at the present time as to the power which the Metropolitan Board of Works possesses?—Yes, it is a power which would create a great deal of irritation if extended unreasonably, or capriciously exercised.

3259. At the present time is considerable discretion requisite on the part of the officers of your Board, in exercising the control which is necessary in the public interest?—Quite so.

3260. *Chairman.*] I will read to you a passage of the existence of which you were perhaps not aware, in the Report of the Royal Commission on the Royal Academy of 1863, of which commission Lord Stanhope was the chairman; in that report there is the following passage, "It appears to us that the advantages of the Royal Academy and of its council, on the plan that we suggest," (that was the addition of lay members) "would be extended to many other points besides the improved working of the academy itself. There has been a general, and as we think, a well-founded complaint during many years of the bad taste and utter want of system which have been displayed in the construction of our public buildings; that construction has depended too much on the rapid succession of the several politicians who have filled the office of First Commissioner of Public Works, and on the conflicting votes which, according to their recommendation, have been passed by the House of Commons. It seems to us that the Royal Academy, constituted in the manner we have proposed, and comprising within it some men of approved ability, not themselves artists, but entitled to pass a judgment upon art, would form a valuable permanent council of advice and reference in all matters relating to the fine arts, public monuments, and buildings. We think that the successive advisers of the Crown, far from feeling any jealousy of such advice, would welcome it with pleasure, as relieving themselves from questions of great embarrassment, and as likely to be conducive to a more satisfactory result in architecture and in art, than has at present been found attainable." Has your attention ever been directed to that passage?—I have not seen that, but of course that passage has reference to the Government First Commissioner seeking advice to enable him to pronounce upon any particular plan, it does not extend to other matters which are out of the hands of the Government.

3261. But having reference to that point to which it does extend, and putting aside the question of its being the Royal Academy, do you think that, irrespective of the position of the Metropolitan Board of Works, the views there stated are sound?—They may be sound, as to that to which they point, namely, that the First Commissioner should take counsel of eminent men, before he determined to spend the public money in the erection of a building, the elevation of which may not be architecturally good.

Monday, 14*th June* 1869.

MEMBERS PRESENT:

Mr. Bentinck.
Mr. William Cowper.
Sir Charles Dilke.
Lord Elcho.
Mr. Gregory.
Mr. Beresford Hope.
Mr. Alderman Lawrence.
Mr. Layard.
Lord John Manners.

LORD ELCHO, IN THE CHAIR.

The Right Hon. WILLIAM COWPER, a Member of the Committee; Examined.

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3262. *Chairman.*] YOU for some time, as we are aware, held the office of First Commissioner of Works; that was, I believe, subsequent to the arrangement by which the original department was broken up into the Office of Works and the Office of Woods?—Yes.

3263. As First Commissioner, did you find either that you had any power of controlling the Metropolitan Board of Works in their expenditure, and in the character of their buildings or works, or that you had control over railways or any other public or semi-public buildings or works which were erected or done in the metropolis?—The First Commissioner of Works, in virtue of his office, has no such power. He may, as a Member of Parliament, exercise an influence in Parliament, but not in virtue of his office.

3264. In virtue of his office he has no control whatever, either over the expenditure or the works done by the Metropolitan Board of Works in this metropolis?—None.

3265. Some such power did exist, did it not, under the original Act which constituted the Metropolitan Board of Works?—Yes. In the original Act it was provided that the Metropolitan Board of Works, before expending a large sum of money, should submit their plans to the First Commissioner of Works, and obtain his approval, previously to applying to Parliament.

3266. Had you anything to do with the original Act which constituted the Metropolitan Board of Works?—No; that was in the time of Sir Benjamin Hall.

3267. You found that no such power existed; to what extent did your power, as First Commissioner of Works, extend in the management and control of public buildings?—The First Commissioner of Works has only control over the buildings which he is empowered to erect; for instance, any building on the Crown property, which is in his custody, or any buildings for which grants of money are obtained by Parliament, are managed under his responsibility; but there is no statutory or administrative authority over buildings in the metropolis which are erected by other persons independently of his department, and no such power exists in any department of the Government.

3268. You have heard the evidence which has been given before this Committee, by which, corroborated by what you have just stated, it appears that there is at the present moment in this country no controlling power over public works, or semi-public works in this metropolis, such as railways; do you think it desirable that there should be some such power vested somewhere?—It appears to me that when Parliament is called upon to pass an Act giving compulsory powers to anybody, such as a railway company, to erect any buildings in prominent parts of the metropolis, or other great towns of the country, it would be well if Parliament were to subject the ornamental buildings which would be erected in consequence of that Act of Parliament to some control.

3269. When you speak of ornamental buildings, I presume you do not confine that to buildings which are intended to be ornamental; but you refer also to such useful things as railway bridges and viaducts, which may or may not be made ornamental?—When a railway company apply to Parliament for a Bill to give them powers, they are bound to produce the plans relating to the construction of the proposed works. I think it would be a good thing if they were also bound to submit plans, showing the elevations of any buildings which they intended to erect in prominent parts of the town, and that those plans should be referred to a body of persons who should be authorised to report upon those plans in the same way in which the Board of Trade reports upon the engineering plans. Those reports would be presented to the Committees of the Houses of Lords and Commons, who had to consider the railway company's Bill; and thus there would be a security that the elevations of their stations and bridges, and other works should be carefully considered by the Committees as well as their engineering works. The Committees could hardly be expected of themselves to go into the details of what should be the elevation of a building, such, for instance, as the Charing Cross Railway; it would hardly be expected that a Committee should of themselves minutely examine the elevation which was intended for that building; but if those designs and elevations had been submitted to the First Commissioner of Works associated with a council, the Committees of the Houses of Lords and Commons might have had before them a question upon which they could easily have decided, as to whether they ought or ought not to have agreed to the present elevation of the railway station or bridge; and also, as many Bills contain provisions by which the Board of Trade and its officers are, after the passing of the Bill, to exercise some discretion over the works of the company, it might without inconvenience, be also provided that the

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body which I have assumed to have been created should also, after the passing of the Bill, exercise some discretion over the elevation of the buildings to be raised. The body which I should think would be most convenient would be the First Commissioner of Works, with certain other persons associated with him for the purpose. The First Commissioner of Works could hardly be entrusted alone with a duty of this sort, which is rather a judicial duty than a duty of the Executive Government; and Parliament would naturally expect that with the First Commissioner of Works should be associated some persons who would share with him the responsibility which might be involved in interfering with the plans of the railway company. One would look out for some body in the country who were especially versed in artistic subjects, to provide the council which might be associated with the First Commissioner. I should suggest that, if the Royal Academy and the Institute of Architects were to be taken as the bodies who might most properly intervene in this matter, they should be each of them required to elect one person to be associated with the First Commissioner for this purpose. In the course of the evidence before this Committee, it has, I believe, been suggested that the presidents of those societies should be the persons to be associated with the First Commissioner; but I think that it would be a preferable plan to allow them to elect any members they chose from their own bodies. For instance, the President of the Royal Academy is selected generally for his proficiency as a painter, and for his being able adequately to represent the Royal Academy upon public occasions; but there might be at many periods men belonging to the Academy who would more fitly represent it for the especial purpose of considering the buildings which should be erected in the metropolis; and I think it would be wise to give to the Royal Academy the power of selecting that person whom they might think most capable, from his experience, from his having given his attention to the subject, and from his professional knowledge, to exercise a sound discretion upon those points. So, also, I should think that the Institute of Architects might often prefer that they should be represented in this matter by one of their members who did not happen at the moment to be the president of the society. I think that another member of such a council should represent the Metropolitan Board of Works; and there again I do not see that there would be any advantage in restricting the choice necessarily to the chairman; but I think it would be better to leave the Metropolitan Board either to nominate their chairman, or, if they preferred it, to nominate some other person belonging to their board, who had their confidence and who had special architectural knowledge, or a special interest in the embellishment of the metropolis. The Metropolitan Board of Works would represent the ratepayers of London; the First Commissioner of Works would represent the Crown and the feeling of the nation at large; and those who were selected by the Royal Academy and the Institute of Architects would represent the special architectural knowledge which one would desire to be brought to bear on this subject; a body so constituted might, I think, sufficiently command the confidence of the country and of the public to be entrusted by Parliament with the duty of endeavouring to prevent any such disfigurements of the metropolis as have recently occurred by the railway stations, by the Lambeth Bridge, and by the various viaducts which have crossed the various districts of London.

3270. It has been suggested that the Institute of Civil Engineers, as those questions refer very often to engineering matters, should likewise be one of the bodies which should, either through their chairman *ex officio*, or their president, or whatever he may be called, or through an elected person, be represented on this Board that you have suggested; what would be your view as to that?—The object we have in view is to secure an artistic consideration of great public works. It does not appear to me that the College of Civil Engineers would specially take that view of the subject; but they might rather take the view which is ordinarily adopted by the engineer of a railway company, who is thinking only of good construction and economy, and who is not thinking of the artistic effect which his buildings may produce upon the public eye. Therefore I should not see any reason why we should select representatives from the civil engineers.

3271. There are, no doubt, many instances of engineers who combine the two qualities to which you have referred; for instance, the design of the wall of the Thames Embankment, and the artistic work, is the result of having an engineer, Mr. Bazalgette, who has had the management of the whole thing; do you not think it probable that if such a council as you have suggested were appointed, knowing that it was for the purpose of controlling such artistic matters as you have pointed out, they would probably select from their body some person whose mind had been, more or less, given to that branch of engineering?—Although the deformities of which we complain have all been created by engineers, still it must be remembered that those engineers were acting on behalf of a body of persons whose money they wished to economise; therefore it is quite possible that when engineers were requested to view the matter in the light of the public taste, they might then be of use and rather prevent any economical disfigurements of the metropolis.

3272. *Qua* those engineering matters, any opinion given or decision come to by such a council would further be strengthened in the eyes of the public, would it not, by the fact that they had a distinguished engineer upon the council, who was master of all matters of construction?—Certainly.

3273. So that possibly it might be an advantage to consider whether the College of Civil Engineers should not have a representative on this Board?—Yes; I think it is a matter for consideration.

3274. Do you feel that if you had power to control those buildings and those railway works, while you were in office, aided by such a council as that, the position which you held as First Commissioner of Works would be an advantage to the public, and that you could have guarded against the evils which we all more or less deplore?—Yes; if any Parliamentary powers had been given to myself, when First Commissioner of Works, associated with the persons to whom I have alluded, I have no doubt that before the Charing Cross Station was erected it would have been quite easy, in communication with the engineers of the company, to provide all that was necessary for the company, and for the purposes

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of the passengers who went by the railway, without erecting what is so very unsightly in that part of London; and that it was the absence of any such power to which we must attribute the very disagreeable character of that edifice.

3275. You saw the photographs which were exhibited to this Committee the other day, representing the two bridges of Blackfriars; one, the railway bridge, which has been constructed, and which has one elevation; and the other, the bridge being constructed by the Corporation of the City of London, which has a different elevation and a totally different style of architecture; the levels of the two bridges being different, and the distance between them being 20 or 30 feet. There is another photograph before you now; that is a very striking instance, is it not, of the result of the absence of such a controlling power, and as favourable an instance (if I may use the word) of the evils resulting from the present system as can well be presented?—It is very desirable that there should be some authority who could consider with the railway engineers and with the City, the possibility of so combining the two bridges as to produce a better effect than they do now; but of course that controlling authority would not have the power of interfering in any marked way with the engineering requirements of the railway.

3276. Might it not have been possible, instead of having two bridges in juxtaposition, the one destroying the effect of the other, even supposing both to be architecturally ornamental, perhaps to have combined the two as has been done at Newcastle where you have the railways at one elevation and the roadway at another below it, not only without inconvenience but with great advantage to the general traffic?—I do not think that the position of the railway would have enabled it to be placed so high above the bridge for ordinary traffic as to have produced a good effect. One must remember that unless the railway bridge was in a very considerable degree higher than the bridge for ordinary traffic, it would make the bridge for ordinary traffic very disagreeable.

3277. However the two might possibly be combined, as at Dresden and other places, might they not?—At all events, without being able now to speak of what might have been done, it is clear that there was no authority which could do anything in the matter.

3278. There are instances abroad, are there not, of this combination of the railway bridge and an ordinary bridge?—Yes; one simple way of combining them would be to widen the same bridge, and allow half of it for the railway and half for the ordinary traffic.

3279. At any rate, it would be better than what we see, would it not?—That is, perhaps, a very general proposition; but I will agree that something might have been better than what we see.

3280. You are aware, perhaps, that this subject was brought, to a certain extent, before the Royal Commission on the Royal Academy?—Yes.

3281. And you are aware that there was a suggestion contained in their report that there should be some such council established as that which you have sketched out?—I think the object of that report of the Royal Commission was to control the action of the First Commissioner of Works himself rather than to control the action of other bodies independent of him; and I see a good deal of difficulty in the adoption of their recommendation. The First Commissioner of Works, as an executive officer, must be left with a responsibility quite independent of any other body, or any other person outside the Government. The executive functions of the First Commissioner of Works are, first, to carry out the pleasure of the Crown with regard to Royal property; and, secondly, to administer the grants from Parliament which have been committed to his charge, and I think that in neither of those branches of his work could he properly be controlled by such a council as the Royal Commission on the Royal Academy seem to wish should be appointed to control his discretion.

3282. But, irrespective of such control, the passage to which I have referred shows, does it not, that, in the opinion of those gentlemen, with Lord Stanhope at their head, who inquired into the constitution of the Royal Academy, there existed a necessity for something being done to avoid those defects in public buildings which we all see, the suggestion being that it might, perhaps, be done through the Royal Academy?—I rather thought, from my recollection of the Report of the Royal Commission on the Royal Academy, that they were not speaking of buildings erected by railway companies, but rather of ordinary public buildings; and I do not think that their remarks were as well founded as they would have been if they had applied to such erections as the Charing Cross Railway Station.

3283. You would not propose, then, that this council of advice, the constitution of which you have suggested to the Committee, should control the will of the First Commissioner of Works further than advising, and it would be for him, on his own responsibility, to act in what way he thought best?—I see great difficulty in establishing any body to control the First Commissioner in the exercise of his own functions in his own department; but if Parliament should give to the First Commissioner of Works a power which he does not possess at present, namely, of controlling other buildings which are not at present in his department, then, I think, it would be very important that he should have associated with him some body of skilled persons who would command public respect.

3284. But that he should not be bound precisely by their opinion?—I think that he ought to be bound by their opinion if the powers allotted to him are of this deliberative and *quasi* judicial character. If he is to be controlling other bodies, perhaps, he ought not to be left free to act in spite of the opinion of the council that were associated with him.

3285. Then you would give him no discretionary power in that respect; but whatever the opinions of the majority of his council were, you consider that he must be bound to follow them?—I think he should have a voice with the members of the council, but that he ought not to be allowed to decide absolutely against the united opinion of the council that were associated with him.

3286. At the last meeting of the Committee, when Sir John Thwaites was examined, this same subject was under discussion, and he expressed a very strong opinion that any controlling power, such as you have suggested, over public works in the metropolis should be exercised solely by the Metropolitan Board of Works; do you agree in that opinion?—I cannot see any foundation for his

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his assertion; the matters of which we are speaking now are not matters involving an expenditure of the rates of the metropolis; and, therefore, his argument that the Metropolitan Board of Works represents the ratepayers hardly applies. What we want is a body who would represent the public opinion in artistic matters, of the community at large, and that representation of artistic opinion might be got in a better way than by resorting to the Metropolitan Board of Works who are elected, not for that purpose, but as business men to manage the municipal affairs that are entrusted to them.

3287. So that you do not admit the argument that, because the Metropolitan Board of Works have the management of certain works which are constructed by rates raised from the metropolis, they ought to have charge of all artistic matters in the metropolis, overruling railways, gas works, waterworks, or any other public or semi-public undertakings?—The assertion seems to me to arise from a misunderstanding of the question at issue, and I think it unfounded.

3288. With regard to their works, such as the Thames Embankment, do you think that there should be some control (naturally you would not think, from what you have said, that the control should rest in the First Commissioner of Works) over the Metropolitan Board of Works itself?—I think that when the Metropolitan Board of Works go to Parliament for powers, Parliament may then fairly impose, as a condition of granting those powers, that the works to be erected under the powers of the Act should be subject to such a council as that to which I have alluded, with regard to its artistic effect and architectural appearance only. The Metropolitan Board of Works would be consenting parties to this transaction if it was imposed as a condition of their obtaining a Bill; but I should not propose that any general powers of interference with them should be given independently of the action of Parliament.

3289. You would not propose, then, that there should be any controlling power generally established by Parliament over the Metropolitan Board of Works, such as existed in their original Act?—Yes, I think that that would be a very proper provision to resume. I do not think that the repeal of those provisions was a wise proceeding. The difficulty that had arisen between the Metropolitan Board and the First Commissioner of Works, who was then controlling the works of the main drainage, arose, not from any necessity of the case, but from what I consider to have been an error of judgment in the case of the First Commissioner of Works, in assuming to himself the proposal of the scheme, and sending it to the Metropolitan Board of Works to accept or reject it. If the first Commissioner of Works had then kept within the provinces allotted to him by the Act of Parliament, I do not think the difficulty would have arisen which led to the repeal of that provision, and I do not see that it need arise when any First Commissioner of Works simply confines himself to the position of either approving or rejecting the plans submitted to him.

3290. Then, would you think it desirable that there should be a general pecuniary control, such as originally existed?—The control that first existed was in cases of very large works, which did practically require the assistance of Parliament. It did not extend to the ordinary operations of the Metropolitan Board of Works, but only to those great and special cases. It applied only to works that were to cost above 100,000 *l.*, and I think that provision ought to be renewed.

3291. There was another provision, that works above 50,000 *l.* in cost were to be referred to the First Commissioner for his consent; would you renew such a provision?—I think it would be expedient.

3292. You would have some control exercised by both the First Commissioner and by Parliament, or through Parliament by the First Commissioner over money expended in great public works?—Yes; considering that in this matter the First Commissioner of Works is representing the public, and the public interest, it is very desirable that in those very large works he should have the power of examining the plans of the Metropolitan Board of Works, and of objecting to anything that may seem to require to be stopped. I must remark that the veto exercised by Lord Llanover over the proposals of the main drainage rate were manifestly of use; for the first plan that he objected to would, according to his statement, have left the sewage of the town within the area of the metropolis; and in consequence of his objection, the Metropolitan Board of Works altered their plans, and carried the sewage to such a distance that it could not be brought by the reflux of the tide within a position where contagion might be spread by means of it.

3293. Do you think that it is an admissible argument that the metropolis stands precisely on the same footing in these matters as Leeds, or Glasgow, or Liverpool, or Manchester, or any other town?—I think all civilised countries acknowledge that the capital of the country stands upon a somewhat different footing from provincial towns; that the whole nation at large have an interest in, and a right to be heard upon, questions relating to their metropolis; but at the same time, I think that what is good for the metropolis might also be extended to other very important towns in the country.

3294. But still there is an important difference between the position of the metropolis and those other towns to which you have referred. In the metropolis you have public buildings of an ornamental character under a Government officer, which are erected by Parliament out of the taxes of the nation, and which are controlled by the First Commissioner of Works. In like manner you have parks which are a great ornament to the metropolis, which are under the control of the First Commissioner, which are kept in the beautiful state in which they are by money annually voted by Parliament; and I think a very large sum of money is annually voted for those purposes, is it not?—Yes; and most Englishmen feel that the honour of the country is more involved in good taste being exhibited in London, than in any provincial town; just as in France a Frenchman takes his pride in the beauty of Paris; and I think that in no country do the inhabitants ever place their capital quite upon the same footing as a provincial town.

3295. So that, even supposing the principle to be assumed as sound that those who pay the taxes should have the sole control in the various towns, and through their own municipal officers chosen by themselves, that principle requires to be very considerably modified when it is applied to the metropolis, especially here where there are

are large sums of money spent under the control of a Government officer for the benefit of that metropolis?—It seems right that in any very great work in the metropolis, the voice of the nation should be heard as well as the voice of the ratepayers.

3296. Do you think that Parliament should exercise any control through the First Commissioner of Works, and through such a council as you have suggested, over chartered bodies who come to Parliament for powers to erect buildings such as St. Thomas's Hospital or any other such buildings?—Certainly. I think that where a large building of such importance, owing to its position in the metropolis, or in any other large town, is to be erected by means of an Act of Parliament, the opinion of those Commissioners, and of the First Commissioner of Works, should be submitted to the Committees of both Houses of Parliament.

3297. I have in my hands a petition which has been sent to me for presentation to the House of Commons by the Society of Arts, in which they state: "That your petitioners, feeling regret at the want of system in the metropolis, whereby the erection of buildings of a public or *quasi*-public character is left to chance, and a comparison of London with other European capitals is rendered very discreditable to British administration, and having reason to apprehend that the site afforded by the Thames Embankment in the metropolis was in great jeopardy of being destroyed for want of a proper system of administration, appointed a committee, consisting of Lord Henry G. Lennox, M.P., Lord De L'Isle and Dudley, the Right Honourable W. Cowper, M.P., Lord Elcho, M.P., Baron Major De Rothschild, the Honourable Auberon Herbert, A.J., Beresford Hope, Esq., M.P., William Boxall, Esq., R.A., Sir William Bodkin, Assistant Judge, Hyde Clarke, Esq., A. Baillie Cochrane, Esq., Henry Cole, Esq., C.B., Lieutenant-Colonel E. F. Ducane, Sir C. Dilke, Bart., M.P., W. R. Drake, Esq., F.S.A., Lieutenant-Colonel Ewart, R.E., Edwin W. Field, Esq., Alderman Sir T. Gabriel, W. H. Gregory, Esq., M.P., Earl Grosvenor, M.P., G. F. Hayward, Esq., W. Haywood, Esq., John Locke, Esq., M.P., the Right Honourable Lord John Manners, M.P., J. E. Millais, Esq., R.A., S. Redgrave, Esq., Lieutenant-Colonel Scott, R.E., G. E. Street, Esq., A.R.A., Seymour Teulon, Esq., Sir Charles Trevelyan, K.C.B., Richard Westmacott, Esq., R.A., the Rev. Henry White, Joseph Whitworth, Esq., LL.D., Watkin Williams, Esq., M.P., to report upon the best way of dealing with the Thames Embankment, so that the opportunity might not be lost of making this noble site conducive to the embellishment and improvement of the metropolis"; you were a member of the committee which drew up this petition, were you not?—Yes.

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3298. And it was in consequence of feeling the want of some such control as you describe the want of, that that committee was appointed, and that this petition has been drawn up?—Yes.

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3299. *Chairman.*] Do you think that a distinction can or cannot be drawn between the position of the metropolis in this matter of the raising of rates and the spending of those rates on public works by municipal bodies and of other towns in the kingdom?—I think that such a distinction can be drawn. In the metropolis a large amount of public money is spent upon public buildings; and I think it very desirable that the Government, through the First Commissioner of Works, should have the power of preventing even such a body as the Metropolitan Board of Works, elected by the ratepayers, from interfering with, and disfiguring such buildings.

3300. I presume you rest the distinction between the metropolis and other corporate towns in the kingdom on the grounds which have been stated by the Right Hon. Member who was last examined?—I am not inclined to go quite so far as the Right Hon. Member. I think there are objections to giving the Government, through the First Commissioner of Works control over the cities and towns in the kingdom, with perhaps the exception of Dublin and Edinburgh, which two cities may be looked upon as capitals; there would be some difficulty in controlling erections in other towns and cities in the United Kingdom, unless, as the Right Hon. Member suggested, they interfered with or disfigured public buildings which had been erected at the public expense, and under the sanction of an Act of Parliament.

3301. But I referred to the grounds of the distinction drawn by the Right Hon. Gentleman, the Member for South Hants, between the position of corporate bodies in London, with reference to these matters, and corporate bodies in other cities, those grounds being that the public money is voted by Parliament for parks, and for great public buildings, and that as to the metropolis, where the Houses of Parliament assemble, the whole nation is more interested, perhaps, in the ornamentation of that city than of any other?—I quite agree with the Right Hon. Member on this point.

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3302. Do you feel yourself, as First Commissioner of Works, that it is desirable that such controlling power should exist?—Most certainly.

3303. Do you think that that controlling power could rest with the Metropolitan Board of Works?—I think not. I have instanced a case in the House of Commons, no doubt an extreme case, but not an impossible one. Various sites have been recommended to Parliament for a new National Gallery, and some of those sites, I believe, to have been better than the site actually chosen. However, Parliament decided that the site in the metropolis best calculated for a National Gallery was Trafalgar-square, and that they were willing to incur a very largely increased expense in order to secure that site. To-morrow a private company might take power to construct a railway, say, uniting Charing Cross with the west end of London, and they might carry a railway bridge right across the entrance to Whitehall, near where Northumberland House stands, and completely disfigure a site which the nation has already agreed to pay a very large sum of money to obtain. The First Commissioner would have no power to stop a Bill for this purpose, except by an appeal to the House of Commons, unless he had a *locus standi* against the Bill, which at present he has not. The Com-

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mittee are aware that any company proposing to construct works in London are obliged to deposit their plans with the Metropolitan Board of Works, but they are under no such obligation to deposit plans and elevations with the First Commissioner. The consequence is that, officially, the First Commissioner has no knowledge of any buildings or works to be constructed. If public property under his control is to be purchased or actually interfered with, of course he receives proper notice, but if no property which is under his control is affected, he virtually has no knowledge whatever of what is about to take place, and a Bill might slip through Parliament, and, indeed, has sliped through Parliament, in which most serious damage may be done to public sites and public buildings.

3304. We see around in all directions the evils of the want of such a power, and you think that that power should be vested in the First Commissioner of Works; would you have him assisted by any council in such matters as were suggested by Mr. Cowper?—When I came into office this state of things appeared to me to be most unsatisfactory; and it is my intention to propose to Parliament in this Session to amend the Standing Orders which now compel the deposit of plans with the Metropolitan Board of Works, so as to extend those Standing Orders to the First Commissioner of Works. That, I think, is the first step to be taken. That would give the First Commissioner an opportunity of seeing what was about to be done, and of applying to the House or a Committee to check anything which he might think detrimental to public buildings, or a positive disfigurement to the metropolis. Perhaps, hereafter, I might be disposed to recommend some further measures to Parliament, but at the present moment I think that that is the easiest way of meeting the difficulty, and I think that it is one which Parliament might be disposed to adopt.

3305. When you speak of public works, do you confine it to railways?—To railways, gas works, water works, and all other public works in the metropolis.

3306. Works by chartered bodies?—I include all those works, the plans, sections, and elevations of which are now deposited with the Metropolitan Board of Works.

3307. Would you extend that to the Metropolitan Board of Works?—Plans must now be deposited with the Metropolitan Board.

3308. But would you extend that power so as to make it compulsory that the Metropolitan Board should submit their plans to the First Commissioner?—I should, certainly.

3309. Would you propose that?—I should propose it, but whether I should propose that this year or not I am not prepared to say.

3310. But are you clearly of opinion that the Metropolitan Board should be subject to certain control in those matters, like any other persons entrusted with the execution of public works in the metropolis?—Decidedly, on the ground I first stated, namely, the distinction between the metropolis and the other cities of the kingdom.

3311. Do you yourself approve of the First Commissioner being aided in any way by a council of advice in such matters?—I think it would be a great advantage if the First Commissioner could have a body of this kind which he could consult. It would be rather difficult to decide upon what particular questions he should seek the advice of a council. The First Commissioner has a great many duties to perform irrespectively of the control over public works; and, of course, with regard to those duties he would not think it necessary, and ought not to be obliged to consult any council. As regards the utility of such advice, I may state that I have already turned my attention to that subject. It is very desirable that the Royal sepulchral monuments of this country should be better looked after and preserved; and in order to obtain a list of such monuments, and the advice with regard to them of the persons best qualified to give it, I have written officially for information to the Society of Antiquaries. Again, when I first came into office, I consulted my honourable friend the Member for Bath, who is a Member of this Committee, as regards the Institute of Architects, of which he is the president, to ascertain whether they could assist me in various matters connected with public buildings in London; and I hope that he will be able to suggest some scheme which may enable me to avail myself of the assistance of that body. I do not at all object to the view taken by the noble Lord in the chair and by my right honourable friend, as to the desirableness of having a council composed of the representatives of such learned bodies; and I should suggest that a member of the Society of Antiquaries might well be added to it, if the First Commissioner has ancient public monuments under his care.

3312. Would you be of opinion that the views of this council should rule, or that the First Commissioner of Works should have a discretion, as to whether he would or would not follow the advice of such council?—I agree with my right honourable friend that it would be very inadvisable to let a First Commissioner throw responsibility upon a council; he alone should be responsible to Parliament. If his council were, as it has been suggested, like the Indian Council, he would still be responsible to Parliament, and I think that it would be very undesirable to give him the power of shifting that responsibllity upon anyone else.

3313. Are you in favour of doing away with the responsibility of the Minister, so that whatever the council decided the Minister was bound to do?—By no means.

3314. Mr. *Bentinck.*] Supposing the council as suggested to be constituted, in your opinion ought it to be obligatory or compulsory on the First Commissioner to consult that council upon any question with reference to a new building or other ornamental work, or should that power of obtaining their opinion be only discretionary with him?—I think it ought to be left to the discretion of the First Commissioner; I think he always would avail himself of the opinion of such a council. It would be rather difficult to make it obligatory upon him to consult them, because I think if you do so you take away from him the responsibility which he ought to have.

3315. Then, as I understand you, you would constitute the council, and then you would vest a discretion in the First Commissioner to consult them or not as he thought proper?—I think so.

3316. *Chairman.*] Your view generally as I gather is this: that supposing such a council to be formed, no matter how, whether by election or by the appointment of *ex officio* persons, it would be in the discretion of the First Commissioner

sioner to submit things to them for their opinion, and then, having got their opinion, he would act upon it or not, according to his discretion, he being responsible of course to Parliament for everything which he did for either following or neglecting their advice?—Yes.

3317. They being constituted I presume under a new constitution of your office by Act of Parliament?—It has been suggested that the council should be similar to that of the India Office; I do not see how it could be quite similar; the Indian Council, in the first place, is a paid council; the one proposed would not be and could not be a paid council. Again, in the India Office the council is consulted on all matters; in fact, it is, as the Committee are aware, the Secretary of State in Council who acts, and the council are divided, I believe, into sections for the management of all business. I do not think that such a council as has been suggested could advise the First Commissioner of Works in all his duties, but only in certain cases, when, for instance, public buildings were to be erected; and in those cases it ought to be left optional with the First Commissioner to consult this council; I think that he ought to be left to name this member of it, and he might be empowered to do so by an Act of Parliament.

3318. You are aware that the original control that was exercised by Parliament through the First Commissioner, and through itself over the Metropolitan Board of Works, has ceased; have you any instances that you could adduce of that control having at one time been beneficially exercised over any public undertaking by the Metropolitan Board?—I agree with the Right Honourable Member for South Hants, that the control originally given by Parliament was a wise provision, and I think that its repeal was not wise. I may mention as an illustration, the case of Finsbury Park, which was alluded to at the last meeting of the Committee. An Act was obtained for forming Finsbury Park in 1857. That Act was evidently obtained with the assent of the First Commissioner of Works, because in the preamble of the Act it is stated, "Whereas the Chief Commissioner of Works and Public Buildings has considered and approved the plans for the said proposed park." Those plans, so considered and approved, were deposited in the office of the First Commissioner; and I presume that Parliament was induced to pass this Act partly because those plans had been approved of by the Chief Commissioner of Public Works and Buildings, and because Parliament intended that he would see that they were carried out; but those plans have not been carried out. The Metropolitan Board of Works, instead of making a park according to the terms of this Act, have reduced the size, and have taken or intend to take from it a considerable portion of land, the most valuable part of that park, as it is alleged, to use it for building purposes. The north of the metropolis is much opposed to this. I have received one of the largest deputations that I ever had the pleasure of receiving, and a memorial signed by some 14,000 of the most respectable inhabitants, including the clergy of all denominations, and the leading people, of the district against this proceeding on the part of the Metropolitan Board. But I am advised that I cannot control the Metropolitan Board, as my power to do so was repealed by the Act of 1858; and that, although the Act of 1857, which enables the Board to make this park, seems to enact that the park should be laid out according to the deposited plans, I have no power whatever to interfere, and the Metropolitan Board of Works can do what they think fit.

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3319. Is that in consequence of the repeal of the controlling power originally intended by Parliament to be exercised?—So I am advised.

3320. Do you know of any other instance?—I cannot at this moment mention any particular instance; but I think the evil shows itself in many ways.

3321. Now we will take the Thames Embankment, one of the most recent and successful of the undertakings of the Metropolitan Board of Works; are you of opinion that with regard to that Embankment, things might have been perhaps even better than they are, if there had been such control exercised by or vested in the First Commissioner?—I think you might have made it a finer work æsthetically. As an engineering work, it is no doubt one of the finest in Europe; it would be difficult to criticise it; but when you come to look into its details, I think that they might have been improved if the designs of the engineer had been submitted to such a council as it has been proposed to form; the architectural details are not perhaps as good as they might have been. I think the landings are in many places far from handsome; in some places they have almost disfigured the Embankment. If the Committee are acquainted with the landing place with a kind of low arch near Waterloo Bridge, I think they will agree with me. Again, the coping of the parapet appears to me not to be worthy of the Embankment; it might have been much bolder and more effective. Those are matters of detail, but still it shows that it is very important, as Mr. Cowper has suggested, to have men of taste united to the engineer. The engineering work is perfect; I have not a word to say against that, but I think if men of taste had been consulted, the architectural details might have been improved.

3322. A railway runs along that Embankment with openings for ventilation or ventilation shafts, and with the power of building stations; in the event of Parliament erecting either the Law Courts, or a Museum of Natural History on this Embankment site, those ventilating shafts and railway stations may be a disfigurement to such public buildings, may they not?—Undoubtedly.

3323. Have you at present any power whatever of controlling that railway?—I have no moral power, but the Metropolitan Railway Company have put a clause into their Bill in the House of Lords which gives me power in regard to the openings and station in this particular part of the Embankment. It is a curious fact, that although the Metropolitan Board have the power of coming to some agreement as regards the ventilating shafts, they have no control whatever over the elevation of the railway stations, and the company might raise railway stations to disfigure the Embankment to any extent.

3324. When you came to your office you made some changes, did you not, in the constitution of the office?—I did.

3325. To a certain extent one saw the germ of this council of advice in your appointment of a first-rate architect as one of the secretaries of your Board: I presume that you thought that such an appointment as that would be useful to the First Commissioner in all those æsthetic

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matters and questions of architectural improvement?—When I came into office it happened that a very distinguished public servant, Mr. Austin, who had been for many years secretary to the Office of Works, had resigned. I thought that there was a good opportunity of making some change in the department, and introducing into it an officer who might be useful in advising the First Commissioner. Up to that time there had really been little control on the part of the First Commissioner over our public buildings. It was not to be expected that Mr. Austin, whose position was more that of financial secretary, and who, in that capacity, had shown great ability, and had been of the greatest use to the public, could have any knowledge of architectural details. The consequence was that there really was no one to overlook the estimates, plans, and elevations of architects. No doubt Mr. Pennithorne was attached to the office as architectural adviser; but Mr. Pennithorne was allowed to practice himself as an architect under the Office of Works, and was employed in the construction of several considerable public buildings, of course he could not be asked to control his own estimates, or to criticise his own elevations, nor would he, as he told a committee appointed to inquire into the constitution of the office, give advice upon the estimates and elevations of a brother architect. The consequence was that the First Commissioner was practically without any power to control public buildings. The result of that state of things has been the enormous expenditure, as I think, lavishly wasted on the Foreign Office and other public buildings. Not that I mean that the estimates were exceeded, because the estimates for the Foreign Office were not, I believe, exceeded by a shilling; but still it appears to me that the plans upon which those estimates were founded were very much too grand, and that under proper control that building would have been a very different building from what it is. I felt that very strongly. It was difficult to find a man who would give a really reliable opinion upon such matters. It was necessary to find a gentleman who had great architectural knowledge, who was not a practising architect, who was entirely independent of the profession, who had weight and authority with the public, and who was a thorough man of business. Fortunately such abilities were combined in Mr. Fergusson, and, I believe, his appointment is generally approved. All I can say is, that I am convinced that during the short time Mr. Fergusson has been in the office he has saved many thousands of pounds to the public.

3326. What was wanted was practical knowledge of those matters of architectural detail and expenditure immediately under your own eye in the office?—Certainly.

3327. Mr. *Beresford Hope.*] Did you re-cast your office, or did you only appoint Mr. Fergusson with his special qualification in the same place as Mr. Austin had previously occupied?—Not exactly; Mr. Russell, who had been assistant secretary, was appointed to the office of secretary, but with a reduced salary. Mr. Austin received virtually 1,400 *l.* a year; 1,200 *l.* as secretary, and 200 *l.* additional for looking after the Government rating. The Government rating was taken from the office, and the salary was reduced to 1,000 *l.* a-year. Mr. Fergusson was appointed, on a salary of 750 *l.*, as secretary for works and buildings.

3328. It was a new office?—It was a new office. At that time I had hoped that a good deal of the routine work which was performed in the office might be dispensed with, or transferred elsewhere, and I proposed that the assistant secretaryship should be done away with, but the Treasury decided that that routine work should continue in the Office of Works, and, consequently, it was found absolutely necessary to continue the assistant secretary. I am sure that both my right honourable predecessors present will tell the Committee that the work of the office has enormously increased within the last few years; the multifarious duties put upon me are little known to the Committee, and they necessitate a very varied knowledge amongst those who are employed in the office.

3329. What became of the functions which Mr. Pennithorne had heretofore discharged?—Mr. Pennithorne will very shortly leave the office. It appeared to me that the consulting architect (for that was his nominal position) should not also be a practising architect. I thought it was not advisable that the gentleman whom we ought to consult about elevations and estimates should be himself constructing public buildings, and should be unable to give an opinion upon the plans and estimates of his brother architects.

3330. *Chairman.*] Was Mr. Pennithorne paid by salary?—He was paid by salary.

3331. Do you now consider that the consulting architect is Mr. Fergusson?—No, I do not call him consulting architect; on the contrary, I named him "Secretary for Works and Buildings," because it is not, in my opinion, absolutely necessary that the gentleman who may hereafter fill the office should be an architect by profession. Such persons as Colonel Fowke, or Colonel Scott, who is now at South Kensington, would be competent men in my opinion for this office.

3332. Mr. Alderman *Lawrence.*] Mr. Pennithorne is also, I believe, architect to the Office of Woods and Forests?—He is called, I believe, the surveyor.

3333. *Chairman.*] Have you a surveyor besides?—We have; Mr. Hunt is the Surveyor of the Office of Works.

3334. Mr. *Bentinck.*] Is Mr. Pennithorne's connection with your office, then, at an end?—Mr. Pennithorne will be employed like any other architect, and probably he will go on with the public buildings on which he is now engaged, such as the Record Office and the University Buildings.

3335. When these buildings are at an end, and when any new occasion arises where, under the old arrangement, Mr. Pennithorne would have been employed, he, as I understand, would no longer be employed?—Mr. Pennithorne would be employed like any other architect. He would come into competition with other architects, and his plans would be selected if they were considered the best.

3336. Mr. *Beresford Hope.*] Does the Office of Woods call upon you to provide the buildings on the estates under its management, or does it build its own buildings?—It builds its own buildings.

3337. Mr. *W. Cowper.*] Will Mr. Pennithorne continue to act as surveyor of the Office of Works for the purchase of property upon a fixed annual salary?—His fixed annual salary will cease, but he will be employed like any other surveyor, if his services are required.

3338. Lord *John Manners.*] When you stated that Mr. Pennithorne's remuneration was a fixed salary, did you mean that that was his sole remuneration, or does he receive the usual architect's commission on the public buildings which he is called upon to erect?—Mr. Pennithorne had a fixed salary of 1,500 *l.* a year from the Board of Works, and 800 *l.* a year from the office of Woods and Forests; and besides that, he had a per-centage of 5 per cent. upon the expenditure on all public buildings with which he was entrusted by Government. He has, as the Committee are aware, erected several public buildings, and upon them he has received this 5 per cent. I considered that that was not a right principle. I thought you ought to have a man to advise the First Commissioner and to form one of his official staff entirely independent of the profession, and who is not a practising architect; and that is the reason why I recommended that Mr. Pennithorne should not be employed upon a regular salary, but that he should be employed, like any other architect, when his plans and elevations were considered the best.

3339. *Chairman.*] Does Mr. Hunt, the surveyor, receive a fixed salary, or is he paid when he is called in to give an opinion or make calculations?—Mr. Hunt's salary was 1,000 *l.* a-year, and he could be employed to purchase or sell property for the Government; but in practice he was rarely so employed. His salary has been reduced; he has now a salary of 750 *l.* as surveyor to the Office of Works, and he will be employed in the purchase of property.

3340. Is Mr. Hunt's position at all changed by the appointment of Mr. Fergusson; does Mr. Fergusson do now the work which was previously done by Mr. Hunt?—No, there is no alteration in that respect.

3341. In consulting any Board such as we have discussed to-day, have you taken into consideration what would be the position of the City in the matter; the present City works, I believe, are entirely under the control of the City, and it might be desirable that there should be some representative for the City on such a Board, might it not, assuming the City to remain as it is now?—That is rather a difficult question to answer. Of course, if you put the City on the same footing as the rest of the metropolis it would be advisable to give the First Commissioner the same control over the City as you propose to give over the metropolis generally; but I do not know whether at present such a thing could be done. I think a good deal would depend upon whatever reform might take place in the constitution of the City.

3342. But, without giving the First Commissioner control, it might be desirable that there should be some sort of harmony with reference, for instance, to works such as might adjoin each other; two bridges might be near to one another; the one belonging to the City, and the other being within the metropolitan district, and it might be desirable to establish something like uniformity of action between those bodies, might it not?—My own opinion is, that it would be advisable that the Government should have some control. As an instance, when a great national monument like St. Paul's was about to be, I will not say disfigured, but when the view of it was about to be utterly spoilt from the only approach where it was well seen, by throwing a bridge over the bottom of Ludgate-hill, the Government might, I think, have had some voice in the matter.

3343. Are you clearly of opinion that it would be desirable that such a board should be paid?—I think that it would be very undesirable to have it paid.

3344. Do you not think that the responsibility of the board would be increased if it were a paid board?—I do not think their duties would be such as to render it necessary that they should be paid officers. They would be very rarely called in; the president, or any member of the council of the Royal Academy, or of any other equally distinguished society, would, I think, consider it an honour to be consulted.

3345. Is there any other point bearing either upon your own office and power, or upon the state of things in the metropolis with reference to public works or buildings on which you would wish to speak?—As regards great buildings in the metropolis erected by public companies, I think that, if the Government were enabled to exercise some control over their elevations, you would have a very great improvement in them. Some of the great railway stations in Italy and in France, as the Committee are aware, are very fine buildings, and an ornament to the cities in which they stand. I may mention the Great Northern of France Station at Paris, the station at Milan, and many others. I think we might have similar buildings in London if we had some control over them. Of course, if you leave it to the engineer, who looks, as Mr. Cowper says, merely to economy and to the immediate object in view, and does not care very much whether he disfigures the town or not, you will probably have very ugly buildings; but, with a very little care, and, I should think, at no great additional expense, you might convert railway stations into ornaments to the metropolis instead of disfigurements, as they now are. The bridges crossing public streets and roads, or the river might be very handsome structures. For instance, a Roman aqueduct is generally a very fine monument. I might remind the Committee of the aqueducts about Rome, of those constructed during the Lower Empire near Constantinople, and of others scattered about Europe and Asia. In England, indeed, you have bridges and viaducts which are ornaments to the country; and it is only in London, as it appears to me, that bad taste seems to flourish unchecked. The finest street in the Borough, as Sir John Thwaites has told you, is completely and utterly disfigured by those hideous iron boxes, which are called railway bridges. The very instance of this street, I think, shows that the Metropolitan Board of Works itself would derive an advantage if the Government had some control over buildings in the metropolis. Sir John Thwaites stated to the Committee that the Metropolitan Board of Works had gone to very great expense in making that street; that in selling land, or letting it for building purposes, they had made certain conditions as regards architectural elevation, in order to make the street as handsome as possible; and that they had succeeded in having some fine buildings. But the whole effect of that street has been destroyed, and the value of the property has even been deteriorated by two or three hideous bridges thrown across the streets by railway companies, over which the Metropolitan Board have no control. If the First Commissioner of Works could have had some control over the

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construction of those bridges, it would have been an equal benefit, it appears to me, to the metropolis, and to the Metropolitan Board of Works.

3346. I presume that you have no doubt that if such a council were to be constituted, a representative of the Metropolitan Board of Works upon it, would be a *sine quâ non*?—Certainly, I think that it would be most desirable on account of the ratepayers; I do not wish to exclude them; on the contrary, I think it essential that they should have some voice in such matters.

3347. Mr. *W. Cowper.*] With reference to the functions of the committee of advice, which you have recommended, would you desire them to consider, not only the structures erected under private Acts of Parliament, by persons independent of the Office of Works, but also the public buildings which may be erected by your own department?—My idea of a council of advice is simply this; that the First Commissioner, if necessary, should have the authority of Parliament (though he might, perhaps, do it without the authority of Parliament) to apply to such public bodies as the Royal Academy, the Institute of Architects, the Society of Antiquaries, the Institute of Engineers, and, of course, the Metropolitan Board of Works, requesting each of those bodies to name some one of their members, so as to form, as it were, a consultative council for the First Commissioner, who might summon such a council whenever he thought it necessary to take their advice. I would not make it obligatory upon him to take that advice; but I think that most men, when such a council decided that such a structure was good or bad, would act upon their advice; because, if he did not, and the thing did not succeed, no doubt considerable responsibility would fall upon him in the face of Parliament and the country.

3348. Then do you contemplate that if a council of advice existed you would submit to them the plans and elevations of the new public offices, and take their opinion upon them?—Certainly I should.

3349. It was the custom when I was the First Commissioner of Works, occasionally to call in three architects, and ask them their opinion upon a particular elevation; might there not be some advantage in being able to call in, upon a special occasion, the particular individuals whose opinions you thought would be most valuable to you upon that special occasion, rather than to be obliged to submit such a matter as that to a general and permanent body?—I think you might combine the two. I should be inclined, before I settled my elevation, to ask two or three gentlemen of high standing in the profession to advise me thereupon. I should always wish to see a complete model made of every public building, and I should then submit it to the council. I think it would carry very much more weight with the public than if you consulted two or three members of the profession.

3350. *Chairman.*] The tendency would be, that in the one case the private consultation of individuals and their advice would carry no responsibility with it, whereas the public consultation of a recognised council attaches responsibility to the advice given, and they advise under different circumstances?—No doubt private persons would merely look at it with regard to its purely architectural features, whereas such a council would also take into consideration the expense which would fall on the public or on the ratepayers.

3351. Mr. *W. Cowper.*] Supposing such a council of advice were in existence, would you contemplate that to them should be referred such questions as the erection of a railway station like the one at Charing Cross, by means of standing orders or other regulations of Parliament?—Precisely. Supposing that Parliament were to sanction what I propose, that is to say, that all companies erecting works in the metropolis, gas works, or bridges, or railway stations, should deposit their plans and elevations in the Office of Works, and that the First Commissioner of Works should approve of those plans and elevations, the natural thing would be to refer them to the council, and then, I think, you would have a great advantage if you had an engineer upon that council, because an architect might suggest something which to an engineer might be impracticable, and the engineer might say, "that would be a very fine architectural elevation, but practically it would prevent the work being carried out"; and therefore you might arrange on such an elevation as would at the same time be handsome, and yet not interfere with the object of the undertaking whatever it might be.

3352. Those two branches of operations would have this difference: that in the one case the council would be controlling corporate bodies, spending their own funds, and, perhaps, controlling them against their will, and in the other case they would be advising a Minister of the Crown as to the erection of works which were in his own department; do you not think that in the former case, where the council were acting in a more judicial way, they ought to have a concurrent voice in the decision with the First Commissioner of Works, while in the latter case their opinions should not control the Minister of Works, but simply strengthen his responsibility?—I think in both cases you merely want advice. I do not think that the First Commissioner should be under the control of such a council in any way, but that he should act independently. In the second case which is put, Parliament would have the control; for, of course, if an utterly unreasonable condition were placed upon a company they would appeal to Parliament, and would no doubt obtain relief; and naturally the First Commissioner would take care not to impose upon the company such a condition as might be an unreasonable one.

3353. Mr. *Bentinck.*] You are aware, are you not, that the Office of Works has always power to oppose any of those Bills in Parliament?—Yes; but the First Commissioner may not be aware that such a Bill is passing, or of the mischief that it may cause, unless the promoters of the Bill are bound to deposit plans and elevations, and to give notice to the First Commissioner. His attention may be called indirectly to it, but it is not the duty of the company to inform him.

3354. But surely all those great public works are matters of public notoriety, and the Board of Works has sufficient notice of those proposed large works, has it not?—Certainly not.

3355. I will give you an instance of my own knowledge; before I was in Parliament, I appeared as counsel before a Parliamentary Committee to represent the Board of Works, with another learned gentleman, on the ground that the railway bridge which they were making

across the Thames close to Chelsea Bridge was a work which ought not to be erected so near, and was likely to spoil what we said before the Committee was a magnificent structure; we came before the Committee; I held a brief sent to me by the Board of Works, and the result was that we came to an arrangement, and I believe that the railway bridge is the better bridge of the two: I do not wish to express any opinion against the appointment of a council on this point, but surely, as regards all those dreadful railway bridges to which you refer in Southwark, if the Metropolitan Board of Works took proper care, they would know that those bridges were about to be erected, would they not?—I think, in the first place, with regard to the Chelsea Bridge, you will find that it had to do with Government property. The Chelsea Hospital grounds are under the First Commissioner of Works, and consequently notice would have to be given to the First Commissioner that the Bill was introduced into Parliament, and he had a *locus standi* against it; but in a case where Government property under his control is not concerned he has no *locus standi*, and he cannot appear before the Committee. In the case of Southwark-street I should have no *locus standi* before a Committee; the Committee would not hear me. That is a matter which does not admit of doubt, because I have consulted competent authorities on the subject. I think that the case which has been put by the honourable Member is one in point, because there the Crown had a *locus standi*, and were able to control the erection of the bridge. It is of the iron bridges across the Thames, perhaps the best, and that may form the beneficial result of some interest on the part of the First Commissioner of Works.

3356. With regard to the railway stations at Charing Cross and Cannon-street, which have been so much objected to, do you think it would be possible, assuming that the erection of those stations was a positive necessity for the public convenience (as I suppose we must assume that it was), would it be possible for anybody to make them good, or moderately good, architectural works; that is to say, as regards what might be called the point of departure?—I think, undoubtedly, that if the First Commissioner, empowered by Parliament, was able to say to the company, "We are quite willing that you should erect a station for the public convenience on one of the most important sites in London, but at the same time it shall not be such a thing as to disfigure the metropolis," they would soon find a way to make a handsome building. As I have stated, there are in continenal cities exceedingly handsome stations, almost as large as those in London, the elevation of which was submitted to a certain Government control. I think that, with some modifications, you might have made, at Charing Cross, for instance, a decent building.

3357. You referred just now, in your evidence, to the Paris station of the Great Northern of France Railway, and you referred to the stone part of the building, which may or may not be good, architecturally considered; at all events, it has architectural pretensions: have you ever examined what might be called the point of departure, after you leave the station, where it is really a shed?—I cannot speak very positively, because one only has a recollection of such things; but, if I remember rightly, there is a long shed at the end. However, whatever that shed may be, it is entirely masked by the architectural elevation. I do not here give an opinion upon the details of that architectural elevation, but all I say is that it is a handsome building and is an ornament to the city, whereas the Charing Cross and Cannon street Stations are mere engineering constructions, and disfigure the finest part of London.

3358. I have no particular sympathy with the Charing Cross Railway; but, at all events, as regards the point of arrival, which is represented by the Charing Cross Hotel, they appear to have done their best by employing an architect who is a gentleman of considerable eminence in his profession, and desiring him to produce a design, that is to say, the design which you now see facing the Strand?—If they had masked the Thames side of the station as they have masked the Strand side, they might have prevented that hideous tubular shed from disfiguring the Embankment.

3359. Referring to the Great Northern of France Station, if you go into that station and look at the part of the station which corresponds to that part of the Charing Cross Station which is so much objected to, would you find that it is any better?—In this one case the tubular shed has practically only one front and that front is effectually masked by an architectural elevation; in the other case it has really a double front, and the front which occupies the most important position, that is to say, the one which faces the Embankment, is not masked. In the case of the Great Northern of France Station in Paris, there is a shed, as you state, but it does not abut on any prominent place; if it had abutted on the boulevard it would have been a most hideous object.

3360. You do not know of your own knowledge that the Great Northern of France Railway Station is an architectural design?—That really proves my case, because, of course, the fact of my not knowing anything about it, shows that that part which is necessarily ugly is sufficiently masked by the architectural façade to be kept out of sight. Whereas one is too well aware that the sheds at Charing Cross and Cannon-street are hideous objects, because that is patent to everybody.

3361. But can you ask a railway company to go to great expense to ornament their point of departure, when no other railway company is asked to do it?—I think you can. I think that if you give a railway company power to take a most important and prominent site in the very heart of the metropolis, in which public buildings are erected and maintained at the public expense, you may impose certain conditions upon them, as regards the architectural elevation, and they would find the means of complying with those conditions.

3362. Mr. *Gregory.*] In reference to this council which you propose should be associated with the Office of Works, would you think it advisable that the members of the council should be selected by societies, such as the Institute of Architects and the Royal Academy; do you think that it would be better that you yourself, as the Chief Commissioner of Works, should apply to certain gentlemen, and ask them to act as a council?—I am rather inclined to agree with my right honourable friend, the Member for South Hants, that the best plan would be to let the councils of the societies

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select the man whom they considered most competent to represent them; I think it would be safer.

3363. Then, would you propose that in cases of difficulty there should be written communications on their part, and that those communications should remain as documents in your office?—I should do exactly as I have done with regard to the Society of Antiquaries. I propose to introduce a Bill placing historical and Royal sepulchral monuments under the care of the First Commissioner of Works. The first step I have taken is to obtain a list of those monuments. Of course there is no one in my office who could give me that list, and I wrote officially to Lord Stanhope, the president of the Society of Antiquaries, and I requested him, to furnish me with a list of such statues and public monuments as he thought ought to be placed under the First Commissioner. He wrote to me to say that the Society of Antiquaries had appointed a committee to go into the subject, and would furnish me with such a list.

3364. Do you intend that to be a Parliamentary document?—Of course if Parliament chose to ask for it, I could have no objection to its production.

3365. Would you also have similar reports from this council, and consider them in the light of Parliamentary documents?—Yes. Supposing they should make a report, if any Honourable Member chose to move for a copy of that report, I should be quite ready to give it.

3366. *Chairman.*] I suppose they would keep regular minutes, like any other council?—Precisely.

Monday, 21*st June* 1869

MEMBERS PRESENT:

Mr. Bentinck.
Mr. Buxton.
Mr. W. Cowper.
Sir Charles Dilke.
Lord Elcho.
Mr. Gregory.
Mr. Beresford Hope.
Mr. Alderman Lawrence.
Mr. Layard.
Lord John Manners.
Viscount Sandon.
Mr. William Henry Smith.
Mr. Tite.

LORD ELCHO IN THE CHAIR.

The Right Honourable Lord JOHN MANNERS, a Member of the Committee, called in; and Examined.

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3367. *Chairman.*] IT was, I think, when you held the office of First Commissioner of Works that a clause which was in the original Act constituting the Metropolitan Board of Works, and which gave Parliament and the First Commissioner of Works control to a certain extent over their expenditure of money, was cut out of the Act?—Yes; I think we had the hisiory of it very much from Sir John Thwaites, but I may as well, in confirming his evidence, state to the Committee what occurred. When we came into office in the spring of 1858 we found that the necessity for purifying the Thames, as it was called, had greatly increased; that the various plans which had been submitted by the First Commissioner to the Board of Works, and by the Board of Works to the First Commissioner, under the existing system, had simply produced a dead-lock, and that nothing whatever was done; and in the summer of 1858 the state of the Thames was such that very great apprehensions were entertained of the very serious consequences likely to result. It became necessary, therefore, to take immediate action, and the Government had to consider on what principle the dead-lock which had occurred should be removed. The first question which they had to decide was, whether this great work of purifying the Thames was a metropolitan or an Imperial question. We decided, and I think on grounds which were admitted generally to be correct, that it was to be regarded as a metropolitan, and not as an Imperial work. That being decided, it seemed to us that there could be no real difficulty in deciding the other subsidiary though still very important points. It being a metropolitan improvement, we held that it must be paid for out of metropolitan resources; and being a metropolitan improvement to be paid for out of metropolitan resources, we had no hesitation in coming to the conclusion that it must be carried into effect by metropolitan authorities; and that with that object, the metropolitan authority must have all the necessary powers conceded to it, and upon the metropolitan authority must be thrown all the due responsibility. Having decided those points, we proceeded to introduce a Bill into Parliament to carry our view of the case into effect. There was considerable discussion upon that measure. Great public attention was excited, as I have said, to the condition of the Thames. An important Select Committee had been appointed upon the motion of Mr. Kendall, the Member for Cornwall; and both Lord Palmerston and Lord Russell, who then sat in the House of Commons, served upon that Committee. But in spite of the conflicting evidence which was given before that Committee, we had no hesitation in proposing a Bill based upon the general principles which I have indicated, and that Bill received the general sanction of Parliament, and became law after two or three discussions. I may state, that, with reference to the veto theretofore exercised by the First Commissioner on any of the larger plans of the Metropolitan Board of Works, in the course of those discussions Sir Benjamin Hall, who had been the creator, so to speak, of the Metropolitan Board of Works, and who, by the exercise of his veto had ostensibly, at any rate, been the cause of the great delay in those works, stated, that he approved of the proposal of the Government to remove the veto of the First Commissioner, and that it would have been a source of great gratification to him had he not been compelled by the terms of the Act of Parliament to exercise his functions in that respect. With the result the Committee are familiar The great work was at once taken in hand, and has been prosecuted up to a very successful termination; and I cannot for a moment doubt, that had another policy prevailed, and had the Government endeavoured to enforce its own views on this point, or on that point, upon the Metropolitan Board, you would have had still further delays, and still further complications, and very likely we should have been still now lamenting the condition of the river Thames; I think that is all I have to say as to the reason which induced the Government of that

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day and the Parliament of that day to remove the veto which the First Commissioner had upon the action of the Metropolitan Board.

3368. Then I gather from what you have just stated, that your view is that there should be no control whatever exercised over the expenditure of the Metropolitan Board of Works, either by Parliament or by the First Commissioner of Works, or by anybody acting on the part of Parliament?—I apprehend that Parliament always will exercise a control, and when it sees fit will enforce it for this very obvious reason, that whenever any great work is to be undertaken, the Metropolitan Board of Works, or whatever authority it is, must come to Parliament for compulsory powers. Therefore, the control of Parliament may be left out of consideration, I think, in this question; with respect to the Office of Works I entertain the most decided opinion, both on principle and from experience, that the First Commissioner of Works ought to exercise no control whatever over the Metropolitan Board of Works.

3369. In speaking of the control of Parliament, I referred not to that general control which Parliament of course does exercise and can exercise over any body, whether it be the Metropolitan Board of Works or any other corporate body that comes to them for power for any special works, but I referred rather to such general continuous power of control as was given by the clause, which required that whenever the expenditure exceeded 100,000*l.* the assent of Parliament was necessary?—I apprehend that in any great work undertaken by the Metropolitan Board of Works, or by any other public body, virtually they have to go to Parliament, and therefore I see no practical use in maintaining on the Statute-book a power which implies a doubt and distrust on the part of Parliament of this great municipal authority, to which it really intends to give the necessary power to carry those great works into effect; I think it invidious and useless.

3370. Sir John Thwaites in his evidence took the view that the expenditure of any monies raised by the metropolis for the purposes of improvement, or for other purposes, should be left entirely to the municipal authorities, as is the case in other provincial towns. Do you think that there is not a manifest distinction with regard to great works, and public improvements, and public buildings between the metropolis and other provincial cities, from the mere fact of London being the metropolis of the empire?—That point, of course, has had to be considered by different Governments which have existed, and I think you must take this as your basis of consideration: if you answer the question in the affirmative, and say that there is a difference between the metropolis and other great cities, you must concede the point that the Government shall accept the pecuniary responsibility which such an admission, I think, would carry with it. Governments hitherto have declined to take that view of the case, and have said, as we said, and as Parliament said with respect to this greatest of all the works, the purification of the Thames, that it was a municipal work, to be undertaken out of municipal resources, and therefore to be executed and controlled by the municipal authorities, and to that I adhere. I would draw no distinction between London, however great it may be, and I would not say provincial cities, but Dublin and Edinburgh, both of which are the capitals of kingdoms, and both of which contain public buildings, palaces, parks, and gardens, maintained at the Imperial expense.

3371. But before we come to other capitals I should like to hear clearly your view as to whether the circumstances of London are not such, it being the metropolis of the kingdom, that there is not a difference between it and provincial towns, such as Leeds, or Bristol, or any other town, *quâ* this question of municipal management; and whether there might not be a different system adopted in consequence of the different circumstances of two such cities as Leeds and London?—I should say not. I think the real comparison, if there is to be comparison, is between London and, as I have said, either Edinburgh or Dublin. But if you put the case as between London and Leeds, still I would say that I should be prepared to treat all the works which properly fell under the municipal authority of London precisely on the same footing as I should treat those that fell under the municipal authority of Leeds.

3372. Your ground being that the money is not contributed by the State to those improvements; but is it not the case that the whole nation does contribute very largely to the erection of buildings and to the maintenance of public buildings, and to the creation and maintenance of public works in the metropolis which it does not do in the provincial cities?—With respect to Leeds and the other great towns it is not the actual fact that the Imperial Exchequer is not called upon to pay for very considerable buildings in those large towns; we pay now for the Post Offices, for instance, and the offices which are connected with the collection of the Imperial revenue in those great towns are paid for out of the Imperial resources. Take the Post Office at Glasgow, for instance, and the Post Offices elsewhere; no doubt in many instances very important public buildings are erected under the present system in provincial towns at the Imperial expense.

3373. Still you could draw no comparison between Leeds and the metropolis in respect to the public buildings; there is no such public building as the Foreign Office, and no such public building as the Houses of Parliament, and no such public building as the National Gallery, and the Kensington Museum, and other great works of that kind which are paid for wholly out of National funds; besides I think something like 90,000*l.* is voted annually for the maintenance of parks in the metropolis?—Quite so; but again I see no reason, in the fact of their being public buildings, parks, palaces, and so forth, maintained at the public expense in London, why the proper duties to be discharged by the municipal authority of London should be interfered with by the Imperial Government.

3374. Those buildings are endeavoured to be made, I do not say always with success, ornamental, with a view of making the capital city such a city as the whole nation can take pride in; do you not think that if the public through Parliament and through the Government spend large sums on their capital for such purposes, it is desirable that somewhere there should be some control to prevent that capital being disfigured by other works undertaken by other bodies in that same capital as far as such a thing is possible?—That question really opens to my mind the converse of it; considering what some of the buildings

buildings erected by the Government are, might not the Metropolitan Board of Works, or the City of London claim that they should have a controlling power, in order to maintain the beauty of the metropolis which, in their opinion, may have been injured by the erection of some of the public buildings erected under the Government.

3375. No doubt it is capable of that view; but we will take those photographs which have been before the Committee of the railway stations on the Thames Embankment, at Charing-cross and at Cannon-street; there is also the case of those two bridges over the river at Blackfriars, one of them being a railway-bridge, passed by a Committee of the House of Commons, and the other a bridge erected by the corporation of the City of London, the two bridges close together, and the one necessarily spoiling the other; do you not think that those are very glaring instances of the result of the want of any system or of any control?—I quite think so, and I hope I shall not be misunderstood as objecting to some control being exercised over the buildings of great public companies which come to Parliament for compulsory powers. There I see, as I think, the propriety of a system, giving a controlling power somewhere.

3376. The instances which we have before us show the necessity of a controlling power somewhere; has your Lordship considered where that controlling power over such buildings erected by companies as you have described would best rest?—I should give it, on the principles which I have ventured to lay down before the Committee, entirely to the municipal authority.

3377. Then you would give control of all works, whether erected by the Metropolitan Board of Works itself or erected or constructed by companies, such as railway companies, waterworks companies, or any other companies, entirely to the Metropolitan Board of Works?—Yes. When I say control I am alluding to what I understood was spoken to here the other day, viz., that before any Bill is discussed in the Select Committee it should be shown to the satisfaction of the Select Committee that the metropolitan authority had approved of the buildings which were to be erected in consequence of the passing of the Bill. I do not go further than that; I do not propose to give any power to the municipal authority to interfere afterwards and say, "This is a building of which we disapprove." But I think we might fairly call upon the company to satisfy the Committee that they had submitted the designs of the buildings which they proposed to erect to the local municipal authority, and that the local municipal authority had expressed its approbation of them.

3378. Would you give no power or voice in the matter to any person speaking on the part of the Government?—I certainly would not.

3379. Do you propose that in such cases any plans for those railway bridges or any other works by any such companies should be deposited anywhere but with the Metropolitan Board of Works; or would you object to their being deposited with the First Commissioner?—I should object to that, for the reason that I fear that such a course would lead to great complications and delay and dissatisfaction.

3380. Do you not think that it might be desirable that the First Commissioner should have knowledge of where those railways are going, whether they are going near any of the public buildings under his charge, and whether, when the works are finished, they are likely to interfere with the elevations and effect of such buildings?—My experience would lead me to say that if a railway in London is to be brought near any public building in charge of the First Commissioner, he would be certain to obtain knowledge of that proposal in sufficient time to take action upon it.

3381. But how would he obtain that knowledge, except as one of the public?—As one of the public deeply interested in it.

3382. But how would he know what the form of those works was to be when completed, when even the committee which passes the Bill do not know?—But I have assumed that under the new system the local authority would have the power of interfering, and I think that the local authority is the proper authority for that power to be given to.

3383. Then the local authority would have information and knowledge given to it, and the local authority might or might not communicate that to the First Commissioner?—Yes; I apprehend that on those occasions there would be no practical doubt as to the First Commissioner being informed on that subject.

3384. Mr. *Beresford Hope.*] But what would be the harm of having this more accurate information derived from the drawings?—Because I think it is very important that the line of demarcation should be clear and distinct between the First Commissioner of Her Majesty's Works and Public Buildings, and the municipal authorities of London.

3385. Then you wish, in short, to limit the character and nature of the office to his being the First Commissioner for Her Majesty's Works, and not the minister for National Art and Architecture, that is your idea of the office?—That is the present historic character of the office, no doubt. Whether you might or might not advantageously alter and enlarge the character of the office is another thing, but practically, at this moment, the First Commissioner of Works is First Commissioner of Her Majesty's Works and Public Buildings, Parks, and Palaces.

3386. Mr. *Layard.*] Are you aware that, at present, a company bringing a Bill into Parliament for works in the metropolis is obliged to deposit its plans and sections with the Metropolitan Board of Works, and that such plans and sections are not deposited with the First Commissioner of Works, who, as representing the public, would have no official cognisance of them?—Yes.

3387. Therefore, the First Commissioner of Works, as representing the Government, would have no *locus standi* before any committee which had to deal with such a Bill, would he?—Clearly not, and that I think is right. What I should wish to do would be to give to the Metropolitan Board of Works a limited power as to the elevations which the different railway, gas and water companies, and so forth, may propose to erect, and I think that would be obtained by making it a *sine quâ non* that the consent in writing of the Metropolitan Board of Works to the proposed erections should be submitted to the Select Committee.

3388. You stated that you consider it the duty of the First Commissioner of Works to have the care of public buildings, do you not think that, having such care, he would have a right to see that any works undertaken by a company should not

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not virtually disfigure those buildings, intercepting the view of them, for instance?—Clearly, I think he has that right now, as I understand it.

3389. In what way has he that right now?—In the case of the stations proposed to be erected near this palace, I think my predecessor, the Right Honourable Member for South Hants, arranged with the company what was to be the architectural character of the buildings to be erected.

3390. But was not that because the piece of land which they took belonged to the Westminster Bridge Estate, and that the Crown had a right therefore to enforce certain conditions as to elevations?—Certainly.

3391. If it had not been for that, I apprehend the Crown would have had no such right?—No.

3392. Mr. *Tite.*] I apprehend that the difficulty which we all feel is simply the one which has reference to railways; and that all those disfigurements in the metropolis, of which we have heard, and of which we have photographs, are all railway deformities. There is the bridge across Ludgate-hill, which the Metropolitan Board of Works opposed with all their might (at least, I did), and also the station, which is shown by the model now in this room, the station in the City, and the bridge in the City. They are all railways, in point of fact, that have gone wrong in those particulars of taste, are they not?—So far as I know that is the case; but I may remind the Honourable Member that gas works have from time to time been considerable sources of discussion in Parliament and elsewhere; and therefore I should not be prepared to say altogether that railways are the only cause of annoyance or disfigurement in the metropolis.

3393. It is perfectly possible that railways may have a very efficient control exercised over them by those who own the land. At Dulwich, for instance, railways cross the estate in all directions, and the Governors there (of whom I am a very humble one) have always made it a condition that the elevations of all the stations and bridges should be referred to the College, through their surveyor, who is Mr. Charles Barry. On that estate, I believe, it has been done creditably and nicely, in consequence of that power; and I suppose in like manner, if the Crown property is assailed by a railway, there is no reason whatever why the Crown should not have the same sort of control?—The Crown, at this moment, has, and exercises the most complete control over any railway or other company which comes on its land. I do not think that this Committee could strengthen the power which it now possesses, where its land is taken.

3394. Mr. *Layard.*] It is an extreme instance; but supposing, with that state of things, that a company should go to Parliament for powers to erect a railway bridge across Whitehall at the entrance to Trafalgar-square, do you not think that the Government ought to have a voice in the matter?—I think they would simply call upon Parliament to reject the Bill upon the second reading, if one can conceive such a case arising.

3395. *Chairman.*] Do you not think that it would be desirable to give the First Commissioner power of interference in the same way in which you propose that it should be given to the Metropolitan Board of Works in such cases?—I cannot say that I do, because the Metropolitan Board of Works is constituted now for the management of the entire metropolis; the First Commissioner of Works really only exercises his power for the property which is in his charge, and if you once departed from that principle, and said, "We will give the First Commissioner the power of interfering with railways, and other works of that kind which come near to public buildings, in charge of the First Commissioner," I think you would get into this very serious and practical difficulty, that you would have to draw a line, say within half-a-mile or a mile, or within 100 yards, otherwise you would extend his power indefinitely, and, as I think, upon a wrong principle all over the metropolis; therefore I should be prepared to take such an extreme case as that suggested by the Right Honourable Member for Southwark, and leave it to the ordinary sense of mankind; and I cannot for a moment doubt that if such a scheme was proposed the First Commissioner, or anybody else, would be very easily able to satisfy Parliament that it ought not to be carried into effect.

3396. But you have as yet, according to your own proposal, given him no *locus standi* before the Committee?—That is the view which I humbly take; I do not wish to bring the First Commissioner into anything like collision with the municipal authorities; I hold that if you want great improvements to be carried on satisfactorily in the metropolis, you must draw your line of demarcation very distinctly between the functions of the municipal authority and of the First Commissioner of Works, and I believe that by so doing you will produce that good feeling and harmony of action between two independent and therefore mutually respecting authorities, which you will fail to do if you bring them into collision with each other; that is my view of the case.

3397. Mr. *Layard.*] In the case which I instanced, the First Commissioner of Works would have no knowledge of a bridge being carried across Whitehall that would not be specified in the Bill; he would not appear before the Committee, if he knew anything about it it would only be by common report, and before it reached his ears the Bill might have passed the House, might it not?—I think not; there is the annual report prepared by the Engineer to the Metropolitan Board of Works of all railways projected in the ensuing Session of Parliament. The Board of Trade again has necessarily cognizance of every scheme which is proposed to be discussed in the ensuing Session of Parliament, and it seems to me that it would be very odd indeed if one department of the Government could not inform another of a proposed scheme which would materially interfere with the buildings in charge of that other department.

3398. Mr. *Beresford Hope.*] Do you mean to say that there is any architectural department in the Board of Trade which would ever care for that question?—I should say not.

3399. Mr. *Layard.*] Suppose, as has really happened, that a bridge were carried across Ludgate-hill, destroying the best view of St. Paul's in London, how should that be dealt with?—That was certainly very much discussed at the time; the Honourable Member for Bath, as he has stated, did all he could to oppose it; it was not want of knowledge on the part of the Government, or any Government department, which enabled that bridge to be erected; it was erected after great consideration, and for reasons which appeared

appeared to the two Houses of Parliament to be valid.

3400. *Chairman.*] Your objection rests broadly, does it not, upon the principle that the State does not contribute to the taxation, and that, therefore, it is the municipal body which ought to deal with those things?—That is my broad objection, in point of principle, and I say that it is supplemented by experience.

3401. Supposing that parties could be brought to agree to constitute some consultative body which represented all those various instances in the metropolis, and represented the interests of the nation in bringing about the embellishment of the metropolis, would you see any objection to the First Commissioner having such powers as have been suggested?—I should; I think that such a scheme would merely end by bringing in a new body, it being the admitted weakness of the municipal government of London that you have too many bodies interfering with each other at the present moment. I am not now going to give any opinion upon any of the schemes which have been submitted to Parliament for the reconstruction of the municipal government of this city, but I think that it is admitted by everybody that the conflicting jurisdiction of the city and the Metropolitan Board of Works, and vestries and parishes and district boards and so on, lead to very considerable delays and inconveniences of various sorts, and all the schemes proceed at any rate on the principle that it would be wise to concentrate authority, power, and responsibility in the government of the metropolis; but the scheme now suggested would only add one more element of confusion to those which already exist.

3402. When I referred to a scheme it was rather to the scheme suggested by the Right Honourable Members for South Hants and Southwark, viz., that the First Commissioner should have attached to the Office of Works a sort of consultative body, composed of representatives from the Metropolitan Board of Works, from the Institute of Civil Engineers, from the Institute of Architects, and from the Royal Academy; do you not think that a body of that kind so formed might be of great advantage in London, as representing all those various interests?—If the question is intended to apply to the Metropolitan Board of Works and the Corporation of the City of London I should answer decidedly in the negative; I do not think that it would be advantageous if it merely applied to the First Commissioner of Works. I entertain very great doubts as to how such a consultative body would really work and act; but of course it is for the Executive Government of the day to decide whether they think that the First Commissioner should have such a body to assist him in carrying out the works of his own proper department. However, I should object entirely to its having any influence whatever over the municipal authorities, for the reasons generally which I have indicated. I think those who have to pay for those great works should have all the power necessary for their execution, and that upon those men should be thrown the whole undivided responsibility of those great and costly works. I think that power, responsibility, and expenditure should all go together.

3403. You heard from Sir John Thwaites that this Embankment, which is a great success, might have been constructed, *quâ* the nature of the works, in any way which they thought most advisable; that is to say, that the wall, instead of being granite, might have been brick or concrete, or any other matter; do you not think that in a work of that kind, if you had a Board which took a mere mechanical, unartistic, economical view of the matter, it would be desirable to have some sort of control, so as to insure that a work of that kind did have some æsthetic qualities, and was made an ornament at the same time that it was made useful to the metropolis?—I really think the true answer to the question is the thing itself; you have this great work created under the undivided responsibility and authority of the Metropolitan Board of Works; and by the consent of all men it is a most splendid and successful public work; if you ask me what might have been the result if any other body had been called in to help, I think very likely that that work would not now be in existence, but that is merely matter of conjecture.

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3404. Does the present constitution, that is to say, the mode of election of the Metropolitan Board of Works, give you any security that it would permanently retain that character which it presently possesses, of taking care that whatever it does will be done so as to make it an ornament to the metropolis, and that they will take the æsthetic points into consideration?—We have had now some eleven or twelve years' experience of the Metropolitan Board of Works; no doubt when it was first instituted it was a very great experiment; and in saying what I have said as to the advisability of removing the veto of the First Commissioner, I do not wish for a moment to imply that when Sir Benjamin Hall introduced his measure he was in the least degree unwise when creating for the first time such a body, in establishing a veto of that kind, but as I have said, he, in the debate of 1858, expressed his satisfaction that the veto was to be removed. I think all our subsequent experience shows that the Metropolitan Board of Works is alive to what are called æsthetic considerations affecting those great works, and I, for one, place very great confidence in their operations for the future.

3405. But is there any security in their constitution that that element would necessarily form part of their calculations?—I think we have quite as much security in the constitution of the Board of Works as we have in the constitution of the Office of Works. In addition to the concentration of authority, permanence and continuity of action are two very important elements in considering these questions. Sir John Thwaites has had the advantage, and the Metropolitan Board of Works has had the advantage, of his having been Chairman of the Metropolitan Board since it first came into existence. With respect to continuity of action, let the Committee look at what Sir John Thwaites has witnessed at the Office of Works; when he was first appointed Chairman of the Metropolitan Board, Sir Benjamin Hall was First Commissioner. He was succeeded by myself. In a year's time, I was succeeded by the late Mr. Fitzroy. In about another year Mr. Fitzroy was succeeded by Mr. Cowper. Mr. Cowper had a rather more prolonged reign, and at the end of that reign he again was succeeded by myself. Of course, on both those occasions it might have been anybody else. Then I am succeeded after two and a half years by Mr. Layard. Sir John Thwaites, therefore, in the course of some 11 or 12 years, has witnessed the

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rise and fall of no less than six First Commissioners. I apprehend that that in itself is a very decided argument in favour of the maintenance of the undivided responsibility of the Metropolitan Board of Works, and not having it interfered with by the evanescent authority of ever-changing First Commissioners.

3406. Mr. *Cowper.*] The permanence of an officer may seem to be of great advantage, if that officer is moving in the right groove; but if he should not be in the right groove, is it not a great advantage that there should be an occasional change by which you may get an improvement upon the existing person?—I should doubt it; my experience leads me to say that whether a thing is abstractedly the very best thing which could be created or not, it is far better, having been once commenced, that it should be finished, than that you should have perpetual change, vacillation, and delay, and consequent expense in the construction of those works, of which I think I could bring several instances with which the Right Honourable Gentleman must be familiar.

3407. Are you not aware that in the Council of Advice which has been spoken of in this room, it was proposed that several of the Members should be at least as permanent as a member of the Metropolitan Board, who is elected only for three years, so that those persons who would be associated with the First Commissioner would have a very different tenure from us; and in that way would you not get the advantages both of permanence and of occasional changes?—If the Right Honourable Gentleman will explain to me who those permanent gentlemen are to be, I will give the best answer I can to his question.

3408. The persons to be permanent were to be those who were to be placed upon the Council by a vote of the Royal Academy, or of the Institute of Architects, or of the College of Engineers, and who would, therefore, not change by any alteration in the political affairs of the country. Would you not in that way get the permanent element which you desire to see exercising this control?—I apprehend that in that case you would, provided they were in a majority of the Council; but in respect of principle I should object altogether to interfering with the works which are to be paid for by the ratepayers of the metropolis. I am not now answering the question as to any advice which they might give to the First Commissioner; but I should object in principle, and also in practice, to any consultative body having any right to interfere with the expenditure of the money of the metropolitan ratepayers.

3409. Mr. *Tite.*] The plans and sections of all railways, and the plans of all gas works and water works, are arranged with particular care, and when those plans are deposited, as I think they are, with my Right Honourable Friend the Member for Southwark in his office, it has nothing whatever to do with the style of buildings which are to be erected. The elevations are not shown at all, and that is really the blot of the whole thing. Would it not be possible, by an alteration of the Standing Order, that railway companies should not only deposit at the office of the Metropolitan Board of Works or elsewhere plans and sections, but also sketches of the buildings, and designs of the character of the buildings?—I can see no reason why that should not be done.

3410. Would you see any difficulty or hardship in their being called upon to show what they propose to do, not only in an engineering point of view, but in an æsthetic point of view?—They come to Parliament asking for exceptional powers, and I see no objection to Parliament's imposing that precedent condition.

3411. Your Lordship has suggested that it is quite possible that the First Commissioner of Works might propose to erect buildings which might be as exceptional and as objectionable as some of those which have been erected by some of the railway companies; and if the one body is to look after the other, ought not somebody to look after the Chief Commissioner?—Certainly; I think that if you give a power of interference to the First Commissioner with the metropolitan authorities, you must give the metropolitan authorities a power of interference with the First Commissioner.

3412. *Chairman.*] But the idea is that this metropolitan authority, as I understand the Right Honourable Members for Southwark and South Hants, and as has suggested itself to me likewise, is that this municipal board being represented upon this council would, in all those matters, consult with the First Commissioner, and it would be for the First Commissioner to decide whether he would follow the advice of such council or not; but at any rate they would have a voice in the matter?—They would have one voice out of several; but in point of fact the consultative body has been described so variously that I am a little in doubt as to how it is proposed to constitute it. I am against consultative bodies having any power, and I have not yet heard it suggested by any Honourable Member on this Committee that a consultative body ought to have any power. If it has no power, I do not think it would work; and if it has power, it would clearly become the First Commissioner.

3413. Mr. *Cowper.*] You stated that in 1858, when you considered it right to repeal the veto which was given by the Statute of 1854 to the First Commissioner over the works of the Metropolitan Board of Works, exceeding 50,000*l.*, you were led to that course by the apprehension that if the Government exercised that veto it would also be expected to contribute funds; is there any necessary connection between the exercise of such a veto and the contribution of Imperial funds?—I should say so, most decidedly; in that very case the veto of the Government was exercised to compel the Metropolitan Board of Works to tax the ratepayers to the tune of, I think, 3,000,000*l.* more than the Metropolitan Board of Works thought advisable or expedient; therefore justice would have required that if the Government had insisted upon their scheme being carried out, the whole difference between the cost of the works, as estimated by the Metropolitan Board, and the cost of those which the Government compelled to be undertaken, ought in this case to have been defrayed by the Government.

3414. Mr. *Layard.*] But in that case, the Government did not exercise the right of veto, but actually proposed a plan of its own, did it not?—I think, technically, that was so; but I am not aware that the Government or the Parliament of the day, found any great fault with Sir Benjamin Hall for deferring the schemes of the Metropolitan Board of Works to eminent engineers. He was acting under the provisions of

of the Act of Parliament, and certainly I am not here to impugn the validity of his action.

3415. Mr. *Cowper.*] In the Act of 1854, which gave the veto to the First Commissioner, was there any power whatever for supplying Imperial funds in aid of those works?—None, whatever.

3416. Consequently, may we not suppose that those who passed the Act contemplated that the veto would be exercised in such a way as not to oblige the expenditure of public money, and therefore may we not come to the conclusion that if the veto was exercised by Sir Benjamin Hall in such a way as to give the Metropolitan Board of Works a claim upon the Imperial funds, it must have been exercised in a manner not contemplated by the Act of Parliament?—I should say that it rather shows that when Sir Benjamin Hall induced Parliament to erect the Metropolitan Board of Works, it was done in what may be called a tentative manner. It was a new experiment, and an experiment of a very delicate nature; and I do not at all wonder that Sir Benjamin Hall and Parliament put in what were thought to be safeguards. In operation they turned out to be hindrances and not safeguards; and the result was, that Parliament, on mature experience, decided on discarding them, and I think, most wisely. Among other vetos reserved to the First Commissioner, there was a veto on the re-naming of all the streets of the metropolis. The Metropolitan Board of Works could not re-name any street in the metropolis without the sanction of the First Commissioner of Works. I give that as one instance out of many.

3417. You do not quote that as an instance in which there is an expenditure of money, but rather as an instance where discretion is given without expenditure of money?—That is an instance in which discretion is given without the expenditure of money.

3418. I think it was proposed by some members of the Metropolitan Board to re-name those streets which had duplicate names after the members of the Board themselves; it was said that the principal street was to be named Thwaites-street, and that another street was to be called D'Iffanger-street; supposing that that report had been well founded, should you not have thought it a great advantage that there should have been a power in the Government to prevent St. James's-street, Piccadilly, from being called D'Iffanger-street?—I really do not see the advantage; to contemplate that the Metropolitan Board would ever change St. James's-street, Piccadilly, into anything else, is contemplating what I should humbly say was utterly absurd; but why a street in the metropolis should not be called D'Iffanger-street, or Thwaites-street, or any other name, I see no reason.

3419. Do you not think that the inhabitants of London, who might have been represented through the Executive Government, would have as much right to prevent anything which they thought a great absurdity as these ratepayers who are represented by the Metropolitan Board of Works?—I think not, unless you are prepared to carry that principle into every town in the kingdom; I do not see that the inhabitants of London are more represented by the Imperial Government than the inhabitants of Liverpool or Glasgow.

3420. Have the Metropolitan Board of Works any responsibility to Parliament?—They have a responsibility to Parliament whenever they come before Parliament to give them compulsory powers for any great work.

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3421. Is there not this distinction between a metropolitan body elected by the ratepayers and the Government of the day; that in the one case there is a direct responsibility to Parliament, and through Parliament to public opinion; whereas the Metropolitan Board of Works have not any responsibility of that sort, their responsibility rather resting upon the chances of their re-election by the vestries upon a future vacancy; and is not that rather an important distinction?—If I understand the purport of the question, it would be that the Metropolitan Board of Works should be abolished, and the management of the metropolis handed over to the Government; unless that is the meaning of the question, I do not quite see its applicability.

3422. The idea which I wish to put before the noble lord is, that while the Metropolitan Board of Works are elected for certain definite purposes, there may be very safely a control exercised over them upon particular points by those who would represent the public opinion of the day, in short, any unnecessary infringement of their rights as parish authorities, might not that be done?—I really think not. I do not apprehend that the Government of the day is elected upon any idea of architectural taste or knowledge at all. I do not think that the people of this country in electing their representatives, and the representatives in bringing in or turning out ministers, have ever the slightest regard to architectural affairs.

3423. In the case of railways, they are obliged to submit their plans and sections to the Board of Trade, and before they can actually use their railway they must have a certificate from an officer of the Board of trade; is not that a case where a control is beneficially exercised by a public department without any unnecessary contribution from the public funds?—I apprehend that that arises from its being the primary duty of the Government to take care of the lives of its subjects.

3424. May not that principle by which the Executive Government interferes to control the discretion of the engineers of a railway, who are themselves supposed to have for their primary object to convey people safely, be extended to such other branches of the subject where the Government ought to interfere as in this case, where railways might erect buildings and stations in London unnecessarily disfiguring from the want of such proper control?—I have already said that, in my view, it would be very proper to give some preliminary authority of the kind to the municipal authority, and I have also given my reasons for thinking that it should be the municipal authority, and not any department of the State.

3425. But may not the instance which I have quoted of the Board of Trade justify those who framed the Act of 1854 in considering that a control which is deemed beneficial may be exercised by the Executive Government over railway works, or over metropolitan works, without thereby involving the necessity of contributions from the Imperial revenue?—I think not; my view is that that Act, as I have said, was an experimental Act; it was found to work badly in those

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those particulars, and it was amended in those particulars.

3426. You have mentioned, I think, an objection on principle to the interference of the Executive Government with metropolitan works, do you see any practical disadvantage which is likely to arise from the First Commissioner of Works and a Council of Advice being empowered to exercise some control over all those architectural works for which an Act of Parliament is sought?—I do.

3427. Will you state what practical disadvantage you anticipate would arise?—In the first place, I think you would find great difficulty in drawing a distinction between London and the great towns. If it is right to give the First Commissioner of Works the power to step in and say that a bank shall not be built in Southwark or in the City without the sanction of its architectural features by the First Commissioner of Works, I do not see why a similar rule is not to apply to Dublin and Edinburgh. The present First Commissioner of Works has told us, very rightly, that the business of the Office of Works is greatly increasing, and I think that by such a system as that you would so completely overwhelm it that it really could not work.

3428. But supposing that a First Commissioner was sturdy and active enough to get through the work, there would be no disadvantage in any other respect, and would there not be the advantage that the ornamentation of those great towns would then be as well looked after in that respect as the ornamentation of the capital; and would not that be a gain instead of a loss?—Again you bring me to a consideration of the question: Are we so sure that your First Commissioner will exercise this power in a way which would embellish those great towns? And when you talk of his being advised by a council which is to have no power, no pay, and no position, I cannot conceive how such a council would be got together, even to do the work in the metropolis; but if you extended it to all the great towns in the three kingdoms, or even to those of England alone, I think you would break down in the very first work. Who are those gentlemen whom you propose to make into this council? They are, I apprehend, many of them gentlemen very actively engaged in professional pursuits, as leading architects, engineers, painters, and so on. Do you expect them to give a great portion of their time without any pay, and without any real power, to giving advice to the First Commissioner as to public buildings all over the kingdom?

3429. I am supposing that the subject of their discussion would be the buildings in prominent positions in London and great towns which were contained in the private Bills of that Session; do you suppose that there are in each Session of Parliament any such number of great buildings erected in prominent positions in London and great towns as to make any formidable demands upon the time of a committee who might have to consider them?—I should think so. It must be done within a given time. There is a certain time allowed for the submitting of plans and specifications, and so on. You cannot allow the scheme of a company to be held over till the month of June, July, or August; and until those gentlemen may have been able to form and express an opinion upon the character of the buildings. It must be done by a given date, I suppose by November or December at the latest. Until I have more information as to how this council is to be constituted, of course I speak with reserve and diffidence, but I have heard nothing hitherto which makes me think that a council of that sort would really be operative.

3430. Supposing that it appeared upon an investigation of the subject that an extension of their operations over the great towns of England would really give them more work than they would be prepared to fulfil, would it not be a very natural arrangement to give to the authorities of each town a similar control to that which would be exercised in the metropolis by the First Commissioner and his council?—As I have already said, I am decidedly in favour, on principle, of giving every control which it may be thought expedient to give with respect to these matters to the municipal authority, be it in London or be it in the country.

3431. We are speaking now of the difficulty in point of the time which would be taken up; do you not think that if, contrary to my expectation, it occurred that too large an amount of work would be thrown upon this council, that difficulty might be easily got over by having distinct bodies exercising the same authority in other parts of the country?—I really do not; I think that would lead to great local squabbles and animosities, without producing any good result. There is no evidence before us to show that in the great towns ugly public buildings have been erected. I am not aware what line you are to lay down as to what constitutes an ugly building and what constitutes a handsome building. Tastes differ very much upon this point.

3432. It seems to me that we have very much lost sight of the restricted class of works which are now under discussion, viz., the buildings which we wish to see altered in London in respect to the railways, which really amount, I think, to three or four stations, and a certain number of bridges; have you any doubt that a certain number of competent people called together to examine the elevation of the station at Charing-cross would have been able without any difficulty to prescribe to the railway company something which need not have been unanimously pleasing to everybody, but which would, at the same time, have avoided the obvious and necessary disfigurement which the appearance of the structure now produces on the banks of the river?—I really could not give an opinion upon that point.

3433. *Chairman.*] With reference to those provincial towns to which the Right Honourable the Member for South Hants has referred, at present the railway company gets its Bill passed to establish a station, or to carry its line through any one of those towns, and to make bridges across the streets; the municipal authority does not know what the form of that station will be, nor what the nature of those bridges will be, and it has no control whatever; if it is so in the metropolis, the probability is, that it is equally so in the provinces, is it not?—I conclude it is.

3434. I presume that you think it desirable that there should be some authority given to the municipal bodies to control such matters in provincial towns, if it is given in the metropolis?—Quite so.

3435. And the probability is, that the railway bridges which are made across streets in Preston, Bolton,

Bolton, Leeds, and other towns, are not æsthetically better than the normal iron railway bridges which we see disfiguring the streets in the metropolis?—Possibly not; if the municipal authority have not that power, that would be a very proper one to give them.

3436. Mr. *Beresford Hope.*] You spoke of the re-naming of streets as a branch of business which you thought the Office of Works might well be rid of, has it not occurred to you, that in the names of the streets in an ancient city, there are many historical and antiquarian associations, the real value of which a Board like the Metropolitan Board would not be likely to consider?—I think decidedly not.

3437. I will give you an instance. Eastcheap, which is curious from its showing the position of the old market of London, and from its literary connection with Shakespeare and Falstaff, either has lost its name or was threatened with the loss of its name; another locality in London, which is also very interesting from its historical associations, is Battle Bridge, the name of which has been refered to one of Cæsar's battles, or one of the old Roman battles, in the conquest of England; that is swept away, and is called now King's cross; would it not have been desirable to prevent those changes?—I think not. In the first case, if I understand the Honourable Member's question, it has not happened, but somebody threatens that it shall happen, therefore the grievance does not exist. In the next case, unless I know what the authorities were that destroyed the old name and substituted the new one I can give no opinion, but it is quite conceivable that Government authorities would overlook cases of that sort; it is quite impossible for the first Commissioner of Works to concern himself with the names of streets over the whole metropolis, and that class of work, I apprehend, is much more likely to be well looked after by the District or the Metropolitan Board of Works.

3438. You refuse to draw a distinction between a capital and a provincial city; do you not think that a city, by the very fact of its being a capital, acquires so many privileges and advantages that it may well surrender something in return to the State which has made it the capital?—No; you must remember that in all these affairs there is a great deal of give and take. No doubt for London it is an immense thing that it is the metropolis of this empire; but when you come to consider the pounds, shillings, and pence view of the question, you must remember that all the great Government buildings are exempt from local taxation, and it is merely by a sort of grace and courtesy that a special vote is now moved every year for contributions in aid of local assessments. But you will find that wherever you propose to pull down a poor class of houses, and substitute for those poor houses a great Government building, there is a very great outcry from the local authorities in consequence of the diminution of the local resources; I would also say, that in drawing no line of distinction between London and provincial towns, I again fall back upon Dublin and Edinburgh, and I say that upon your own showing, if you proceed upon this new principle of action with respect to London, you must inevitably proceed upon it with respect to Dublin and Edinburgh.

3439. That leads me to this question; do you not think that it is fair that Dublin and Edinburgh, in return for the honour and glory, (such as it is) of being reckoned as capital cities, and for the fact of their being, in the one case, the residence of a Viceroy, and in both cases, the seat of the Courts of Justice of the respective kingdoms or parts of the United Kingdom, should come under the general paternal supervision of the Minister of Works?—I do not think so; I believe you would get into serious difficulties if you once attempted to govern the affairs of Dublin and Edinburgh upon that principle. Dublin and Edinburgh would immediately call upon you to contribute handsomely to their resources out of the Imperial Exchequer. If you conceded that point, I should have nothing more to say.

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3440. *Chairman.*] Are you aware that owing to there being at present no control over the construction of railways when the North British Railway was constructed, which was a line to run from Edinburgh to Berwick, at one terminus at Berwick it knocked down the old castle at Berwick and at the other terminus it knocked down an early gothic church, which was almost the most beautiful specimen of gothic architecture in Edinburgh?—I have heard so, though I do not know it.

3441. Do you not think it probable that if either the municipal authorities or the Government had had such control over the proceedings of railways, both these two vandalisms would have been prevented?—I think it is extremely likely, and I have already expressed my approval of a suggestion which should give to the municipal authorities the power of assenting to or dissenting from schemes of that sort.

3442. Mr. *Beresford Hope.*] Perhaps you are not aware, nor the noble Chairman either, that I happened to be on the Committee, about a quarter of a century ago, which dealt with that very Bill, and that I secured the insertion of a clause in the Bill, which, in the eyes of all honest and reasonable people, would have compelled the company to rebuild that church, and that it has shirked that responsibility up to this time, until the stones of that church have perished. Do you not think that confirms the question which the noble Chairman has put before you?—No, it really proves how very difficult it is to carry the control of Parliament into practical effect.

3443. But if Parliament had a mouthpiece in the shape of a minister, would not its control be more efficient?—It might or might not.

3444. At any rate there would be some one to raise the question, would there not?—Clearly, if you think it wise to give him those extended powers.

3445. Considering the wealth and importance of England, and the great interest that English people take in questions of art and architecture, do you not think it is desirable to develop the department of works into a ministry of art, science, and architecture?—That is a very large question, and I was not aware that I was to be examined upon it; it is a very large departmental, and more than a departmental question. How far you would propose to extend the power of such a Minister I do not know, but with respect to the immediate subject before this Committee, I adhere strongly to my opinion, that the power which we have been talking about should be granted, not to the First Commissioner of Works, but to the municipal authorities.

3446. You are not prepared, then, with a view upon that question?—Not quite.

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3447. But you see no objection to it offhand?—That the Office of Works may be altered and improved in its constitution I think very likely, and, indeed, we understood from the Right Honourable Gentleman, the present first Commissioner, that he was making some changes with that object, but I am not prepared to give any opinion now upon that question.

3448. *Chairman.*] In reference to this proposed council, assuming that it was only a council of advice, and had no direct authority, do you not think that the advice of experienced men, properly selected, might be a protection to the First Commissioner, and also a reason why, to the general public, for things being done or left undone?—My view would be, that unless your council has a definite *status* assigned to it, and I would say further, a very considerable remuneration attached to it, I do not think you would get those gentlemen to fulfil duties which must expose them to considerable odium and annoyance, and which would want all the corresponding power which ought to attach to them. I remember hearing some reference made to the Indian Council, but the Indian Council, as I understand it, consists of gentlemen not now engaged in professional avocations, but who are generally retired Indians, I believe, of great eminence. They are not allowed to be in Parliament; they have distinct and clear functions assigned to them, and they are in the receipt of a very satisfactory honorarium. If you are going to establish a council—to advise the First Commissioner—of retired and most eminent engineers, architects, painters and so on, give them a real and definite *status*, and a handsome salary, and I can understand such a body being a very important body in the State. But I apprehend that the First Commissioner would really disappear, that the council would exercise all real power, and the First Commissioner, would be a mere man of straw. But I do not really understand that to be what we are discussing. I apprehend we are discussing the question of some gentlemen of eminence in three or four professions, who are to be called upon to give advice whenever the First Commissioner chooses to ask them, which advice he is at perfect liberty to reject, if it does not square with his own view. I think that is a position which gentlemen of great eminence in those professions would not like to fill, and therefore I do not imagine that you would gain anything practically by the appointment of such a council. The Right Honourable Gentleman the Member for South Hants, said, that he was in the habit of consulting two or three eminent architects whenever he found an architectural difficulty. No doubt eminent architects would consent to be consulted by the First Commissioner in that friendly and agreeable manner. I can remember when I was in office formerly, when great engineering works were under contemplation, nothing could exceed the kindness with which the late Mr. Robert Stephenson and the late Mr. Locke always gave me advice in a private way; but I think it would be a very different thing if they were meant to be a council, and were to be called upon in some sort of public way by a First Commissioner to give advice, the First Commissioner not being in the least bound to take the advice which they so offered in a public way.

3449. Mr. *Beresford Hope.*] Do you think they would be different men from those temporary councils called in to adjudicate upon competitions for the public offices, or the National Gallery, or the Law Courts? You and your predecessors have from time to time had the appointment of what were virtually councils, to sit upon particular questions, and I do not think that you have had any difficulty in finding gentlemen willing, from their love of art and public spirit, to serve gratuitously on those bodies?—If it is meant that each time when a difficulty arises the First Commissioner is to be at liberty to call in different men who may be supposed to be most competent in the particular case, that I think is a different question from a council such as we have been discussing; but although competent and distinguished men have never been found wanting, at the invitation of the Government of the day, to sit and adjudicate upon the specific designs submitted to them, the result of those adjudications has not been so satisfactory, either to the eminent personages in question, or to the Government, or to the profession, as would lead me to give a very positive answer to my Honourable Friend's question.

3450. *Chairman.*] Do you see any difference whatever in principle between the appointment of those temporary committees, such as you have referred to in the case of the National Gallery, for instance, and the constitution of a permanent council such as has been suggested by the Right Honourable Gentleman the Member for South Hants, and others?—I see a very decided difference, certainly.

3451. Where is the difference in principle?—The difference in principle is, that in the one case you appeal to a certain number of selected gentlemen whom you suppose are the most competent to advise upon this particular work; and the moment their decision is given their responsibility ceases, their work is at an end, and they incur no further responsibility of any kind.

3452. But they have incurred the full responsibility with regard to that work, have they not?—Undoubtedly.

3453. Your objection, as I gathered from your reply to a former question, was one so far in principle that you did not think you would get persons such as those of whom this council should be constituted to serve without pay and to undertake the responsibility?—That is so; I draw a very wide distinction, which I think is obvious, between gentlemen who may consent at the express invitation of the Executive Government to discharge that function upon a given subject, and gentlemen who would be constituted by name and form into a standing committee of counsel, to be consulted from time to time, at the whim, one might almost say, of the First Commissioner, and to have their advice followed or rejected as he may think proper.

3454. It is contemplated, is it not, that the subjects upon which they would be consulted, if they were a permanent body, would be cognate, if not identical, with those matters upon which those temporary committees have been consulted?—I really could hardly answer that question; those temporary committees are very, very rare; I should be disposed to think that if you constituted a permanent council, you must consult it on a variety of questions other than those which have been submitted to those committees which have been especially summoned.

3455. But they would be cognate questions, would they not?—I should think in some instances they

they would not; for instance, if you take those railway bridges, and so forth, I have no recollection of any such committee being appointed.

3456. Is there no analogy and nothing cognate between summoning a committee to determine upon the design of the National Gallery, whether it is an ornamental design or not, and summoning a committee to decide upon whether the Charing-cross Railway Station, or a railway across Ludgate-hill will or will not be a disfigurement to the metropolis?—There is this obvious difference between them, that in the one case the building, the designs for which are submitted to the arbitrament, so to speak, of the specially constituted committee, is a Government building, and the Government reserves in its own hands the power of acting upon the recommendation of the committee, and the responsibility extends no further. But in these cases you are to invite a council to decide upon the elevation of a great structure which is not under Government control; and I think, therefore, that they would incur a much greater responsibility in the one case than in the other. The Government voluntarily in the one case submits the decision upon the designs to this specially appointed committee; in the other case they would have to adjudicate upon the designs of the great building that is to be the property of a company.

3457. Do you suppose that if you had the power of summoning those special Committees to deal with railways as well as with Government buildings, and to give opinions upon them, that you would have any difficulty in getting gentlemen to come and give an opinion upon the Charing Cross Railway, or upon the position of a statue, or any other matter of that kind without pay and incurring such responsibility?—Yes; I should think you would have a great difficulty in getting a committee so appointed to adjudicate upon a great railway structure, for the reason that they would be not only dealing with a simple architectural question, but they would be necessarily more or less interfering with the whole structure, and perhaps with the possibility of carrying the works into effect at all.

3458. I am assuming that all that they are asked to give an opinion upon are the architectural points, but not the estimates. It is simply that the First Commissioner has a control over the elevation of this building, and that they are asked to give an opinion upon it. What is the distinction between that and a Government building?—The Government building is within the power of the Government, and a building that is to be erected by the subscribed capital of a company can hardly be viewed, I think, in the same way. I do not think that you can say that those gentlemen are to give an opinion upon the architecture apart from the estimates. We all know that architecture implies estimate, and it may be that those competent architects would recommend an architectural treatment which would add very greatly to the cost of the undertaking.

3459. But are you not aware that the First Commissioner has never found any difficulty in getting men of the class referred to to give opinions when summoned to do so without pay, and incurring such responsibilities as those opinions entail in individual cases?—That is so.

3460. Do you doubt as to the First Commissioners succeeding in forming a body of persons who would remain permanently in office for a year, or two years, or three years, as the case might be, as a body of reference on all such matters?—I doubt it very much.

3461. Mr. *Beresford Hope.*] Does not the history of all our great societies, scientific, literary, artistic, antiquarian, and religious, show that in England there is an enormous amount of work freely given by educated people to carry out the objects in which they are themselves interested, the work being not merely temporary work like the adjudication upon a particular design, but going on from day to day?—Clearly; and that work is rendered in the hope that the people who give their time and energy will be able to see the work completed and carried out according to their own views.

3462. Do you not think that the reasonable expectation, that the advice they gave would have its weight, would be enough to induce gentlemen not to sit every day in the week but to meet from time to time round a table in the Office of Works to consult with the Minister?—I really greatly doubt it. I will give you a case in point. There was a Fine Arts Commission which existed for many years under the presidency of the late Prince Consort; they were a consultative body dealing with many matters of technical art; I from time to time was a member of that commission, *ex-officio*, and I can safely say that no decision of that commission ever gave so much satisfaction to its various members as the decision we last of all came to, to break it up. It was not found that the position of gentlemen of eminence on that commission was so satisfactory as to induce them to sit there and deliver their opinions, and sometimes have those opinions carried into effect, and sometimes not. If I remember rightly, it was the late Sir James Graham who proposed that we should destroy ourselves, and I think there was no difference of opinion upon the subject, but we agreed to perform the ceremony of the "happy despatch."

3463. Was the cause which led to your "happy despatch" that you were a body responsible to no one in particular, and if there had been one Minister in particular to whom you were responsible, and who had the sole power of convoking you, might you not have brought your work to a better and more practical conclusion?—I think not; but that is mere conjecture.

3464. Mr. *W. Cowper.*] Was not one reason why the Fine Arts Commission ended their labours, that they had accomplished all that was entrusted to them?—No, most unquestionably not. If you look at the condition of the blank walls all around this palace; it was originally proposed that all those should be filled with frescoes, and so on. Then again, with reference to the great question of statues and statuary ornamentation, the Palace is very incomplete indeed.

3465. But had not the Commission done everything required of them in the way of recommendation and reporting, and was not the only thing remaining executive work, for which the Commission naturally thought themselves less fitted than the Minister of the day?—I think not; my recollection of it is that there was a great deal yet to be done, but that it was thought advisable to terminate our existence.

3466. Viscount *Sandon.*] Have you at all considered the advisability of the First Commissioner having an official seat on the Metropolitan Board, in virtue of his being the representative of the public

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public interest in the palaces, national buildings, parks, &c., of London?—That question was, I think, very fully considered before Mr. Ayrton's Committee some two years ago, though I do not carry in my head all the recommendations that were made. If there were any re-constitution of the Metropolitan Board of Works I think it would be quite right that that question should be taken into consideration, but, for the reasons I have given here, I should myself be very shy of bringing about any interlacing of the functions of the Metropolitan Board and those of the First Commissioner of Works.

3467. It might lead, however, might it not, to a friendly relation between the Government Department and the Metropolitan Board of Works, which might be useful in the public interest?—It might. On the other hand, I am bound to say that I have found that the more completely the independence of those two bodies is recognised, the more harmonious is the action of their respective heads. I never found the least want of cordiality, or spirit of harmony, between the Metropolitan Board of Works and the Office of Works from the moment that the complete independence of the Metropolitan Board of Works was recognized.

3468. Mr. *Beresford Hope.*] Might not that harmony prove that the Commissioner and his consultative bond would also work together harmoniously?—I do not see the analogy at all. In the one case the two bodies are perfectly independent, in the other case of course the consultative body would be more or less (more, certainly, than less) under the control of the First Commissioner.

3469. Mr. Alderman *Lawrence.*] Previously to the formation of the Metropolitan Board of Works, were not the various street improvements outside the City of London, such as New Oxford-street, carried out under the Office of Works?—My experience of the Office of Works only commenced in the year 1852; but my impression is that all the works to which the worthy Alderman refers were undertaken not by the Office of Works, but by the joint Office of Woods and Works as being made upon Crown property.

3470. That would, of course, refer to the improvement of Regent-street and the Regent's-park?—Quite so.

3471. But with respect to New Oxford-street, that was not on Crown property, was it?—I am not sufficiently informed to answer the Honourable Member's questions, but I am aware generally of the fact that many of those streets previously to 1852 were formed in various parts of the metropolis by the then united Office of Woods and Works.

3472. With respect to the continuation of Bow-street into Gower-street, and Endell-street, and Commercial-street, Whitechapel, and the first commencement of New Faringdon-street, do those improvements compare favourably or unfavourably with the improvements that have been carried out by other bodies; is not the communication from Bow-street to Gower-street, for instance, a tortuous, winding street, which at the present time we should consider a very unsatisfactory new street?—I should say it was so; but I can only speak with great doubt as to anything that happened previously to 1852.

3473. Then with respect to New Oxford-street, the architecture of which has been so many times altered, even before the houses were occupied, does it compare more favourably with the streets that have been carried out, either by the City of London or under the Metropolitan Board of Works?—I should say Regent-street is a very poor architectural exhibition indeed.

3474. Did not the Office of Works find itself, under its present constitution, really incapable of carrying out works of that kind successfully?—It was not its present constitution, and I am unable to state how those great works were carried on while the Office of Works and Woods formed one department. But the present constitution of the Office of Works is altogether different from that which was the case previous to 1851, when the separation of the two offices took place, as the Committee are aware.

3475. Are you aware that for a long time Endell-street and Commercial-street remained unbuilt upon, the Office of Works having fixed much too high a price for the land?—I am unable to say that I know that.

3476. And with respect to Endell-street, did they not build two model houses at the corner which remained in carcase for many years, no one taking the land adjoining?—I will take it on the statement of the worthy Alderman that that was so; but I am not myself acquainted with the fact.

3477. Is not your Lordship acquainted with the fact of the houses standing there?—I do not know the fact.

3478. In its present constitution, I take it to be your Lordship's opinion that the Office of Works is not at all better calculated to carry out street improvements in this metropolis to a satisfactory conclusion, than either the Metropolitan Board of Works, or the Corporation of the City of London?—Unquestionably, that is my opinion.

3479. Mr. *Bentinck.*] With regard to the railway which crosses Ludgate-hill, do you remember that the question was before the House of Commons?—I apprehend that it was.

3480. Do you remember that a considerable agitation was made on the part of gentlemen interested in art to cause the Bill to be thrown out as regards that bridge, but that the opposition was unsuccessful?—I believe that was so.

3481. If a majority of the House of Commons had been of opinion that such a railway bridge was undesirable, they would have voted accordingly, and would have rejected it, would they not?—I apprehend so.

3482. And, therefore, it is clear, as I think you will admit, that the House of Commons did not do that which it might have done?—No doubt.

3483. It is not, perhaps, fair to ask you as to a point of law; but in reference to the question raised by the present First Commissioner, as to a railway being carried from Charing Cross Station, in front of the National Gallery, do you not think the Office of Works would, in such a case, have a *locus standi*, just upon the same principle as an ordinary occupier would have a *locus standi* in the case of residential damage?—I could scarcely answer that question. Assuming that the case was parallel, of course he would have a *locus standi*. If the First Commissioner of Works in that case stands in the same position as an ordinary occupier of a house, of course he would have a *locus standi*.

3484. Mr. Colnaghi, the printseller, would only have a *locus standi* to oppose such a Bill on the

the principle of residential damage; just in the same way, do you not think it probable that the Minister who has the charge of the National Gallery might very reasonably object before Parliament to such a railway upon the same ground?—Yes, I should think he might; but I would say with respect to that, that in all probability some property in Spring-gardens belonging to the Crown, though not to the Office of Works, would be touched; and, therefore, in that given instance I presume there would be no practical difficulty.

3485. *Chairman.*] We have had the instance already given before this Committee of a railway which cut in two a new street erected by the Metropolitan Board of Works in Southwark; there, clearly, if there was a *locus standi*, they must have had this *locus standi*; and, in spite of this *locus standi*, under the existing state of things, a bridge has been made across that street which, according to the Chairman of the Board of Works, has materially diminished the value of the property, and disfigured the street; are you aware that that is the case?—I understand that is the case.

3486. Mr. *Bentinck.*] There is at present a divided jurisdiction over Crown property between the Offices of Works, Woods, and Forests, is there not?—I should hardly say there was.

3487. Are there not portions of Crown property in the metropolis which are solely under the control of the Office of Woods and Forests, such, for instance, as the site of Lord Clyde's statue; is not the plot of ground on which Lord Clyde's statue now stands, at the southern end of Waterloo Place, under the control of the First Commissioner?—No; I believe that is Crown property, and therefore under the control of the Commissioners of Woods and Forests, and I believe that distinction is clearly carried out all through the metropolis. Crown property is under the management of the Commissioners of Woods and Forests; other property, Government property as it may be called, is under the control of the First Commissioner of Works; but the line of demarcation is clear and distinct. I never, for instance, interfered at all in the management of Crown property, and the Commissioner of Woods never interfered with the Commissioner of Works.

3488. Therefore I understand your Lordship to state, that if any individual wished to erect a statue upon that plot of ground or any other plot of ground which is under the sole control of the Commissioners of Woods and Forests, he would not ask to have the consent of the First Commissioner?—Certainly not.

3489. In your judgment, is it not desirable that the whole of the Crown property in London should be under the control of one body?—Not having had experience of the working of the system to which the Honourable Member refers previously to 1851, I can only give a very general opinion in answer to that question; but I must assume that there were good and substantial reasons for the change that then took place, and I am quite convinced that the present staff and system of the Office of Works would be totally incompetent to manage the very large Crown property which exists in different parts of the metropolis.

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3490. With reference to this very Clyde statue, was it proposed to erect that statue upon ground under the control of the First Commissioner of Works in the first instance?—I rather think that was the statue which was to be erected on the Parade.

3491. And then the First Commissioner objected, did he not?—The First Commissioner, I believe, objected. There was a considerable objection raised on the part of many people, to its position there. The First Lord of the Admiralty, if I remember rightly, and the Admiralty authorities generally, objected very much to the statue being placed where it was proposed to be put, and negotiations ensued and the result was that that site was selected where it now stands.

3492. And over that site, as I understand you, the First Commissioner had no control?—The First Commissioner had no control over that site, and the same with regard to the site on which Sir John Franklin's statue stands, which is Crown property.

3493. Is the statue of Lord Herbert under the control of the First Commissioner of Works?—That would be Crown property, I understand.

3494. As regards the placing of statues, there is a divided jurisdiction in the metropolis, is there not?—It is not only divided, but immensely divided, because, of course, when you come to the squares, which are important places for public statues, you have every conceivable sort of authority. I may mention that an Act was passed some few years ago which enables people to whom public statues belong, of their own volition, to hand them over to the permanent charge of the First Commissioner of Works, and various statues already in existence are, if I recollect rightly, specified in the schedule of that Act as being under the jurisdiction of the First Commissioner of Works.

3495. *Chairman.*] Who has charge of statues on the tops of arches and pillars?—If the arches and pillars are in the charge of the First Commissioner of Works, he has the charge of them.

3496. Is the arch in Hyde Park, at the top of Constitution-hill, under the charge of the First Commissioner of Works or of the Commissioners of Woods?—I should think of the First Commissioner of Works.

Mr. Henry Cole, C.B., called in; and Examined.

3497. *Chairman.*] You have turned your attention much to matters of art, few people more in the metropolis; and I presume that you have considered the question of the ornamentation of the metropolis and public works which you see going on, such as railways and public buildings, and others; I wish to know from you whether you consider that we are in a satisfactory state as regards those things now?—My opinion is that you are in a most unsatisfactory state. I know no other state except the state of Laputa, which is parallel with it, and I think you want a Dean Swift to tell you all about it, and make you sufficiently ashamed of it.

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3498. Do you wish to specify in any way instances of this unsatisfactory state of things, or will you rest satisfied with that general statement?—If it is necessary to be precise, I should instance the look of the Thames as shown by the station at Charing-cross, also as shown by the station

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station in Cannon-street; those two almost inconceivable bridges side by side at Blackfriars, the viaduct across Ludgate-hill, and the viaducts without number in the neighbourhood of London Bridge on the south side. In fact, go where you will you find evidences of that self-assertive British independence which amounts almost, I think, to a tragic-comedy.

3499. You have some drawings, I see, there; are they in illustration of what you have just stated?—I would put in a photograph of the railway-bridge across Ludgate-hill, which seems to me to illustrate the degraded taste of England. It shows wall advertisements without number, that venerable monument to Alderman Waithman and the bridge stopping the view of St. Paul's, and, altogether, it is a sort of thing for a pantomine. If the photographer had had an eye for the comic more than he has, he could have got worse points of view than those, which are rather favourable than otherwise. One of these photographs is a view of the Charing-cross station, another is a view of the Cannon-street station; but I think the climax of our chaos is found in those two bridges side by side at Blackfriars. Nobody in the world seems to have been sensible that one bridge of a handsome kind would have answered both purposes. Several independent authorities have bamboozled Parliament to give them power to put those bridges side by side. In fact, it is so monstrous, that if we cared a button about our credit for taste or common sense we should proceed at once to pull them down.

3500. I see here no specimen of the normal æsthetic railway bridges across streets or roads; could you get one made and lay it before the Committee?—Yes, I will find the ugliest thing I can.

3501. Will you take a normal æsthetic iron railway bridge?—I will do so; I would venture to suggest to the Committee that they should put these photographs in some way or other into their Report. You talk in a vague manner when you only mention things in words. I think that reducing the size of those photographs and printing them by a process called the Woodbury process, Parliament would not be ruined. Sufficient illustrations could be got on two pages, which I think would be extremely useful.

3502. Could the Department of Science and Art undertake that?—If you will pay for it; our Votes are low enough; we have nothing to spare, or any authority for any eccentricities of that kind.

3503. You have spoken generally of the unsatisfactory state of things in respect of art, and the character of our public buildings and works, and you have given us specific instances; to what do you attribute this unsatisfactory result?—Broadly to the want of taste in the nation, to atheism in principles of art, no faith in anything; and public ignorance all concentrated in allowing those things to go on. Those are the general points, I think.

3504. You gave as one reason, British independence; by that I assume you mean an absence of any harmonious action on the part of those who have the construction of those various works or of any controlling power over those who construct?—I mean that; also the natural impatience which we English people have to allowing anybody to have a concentrated action about anything. Every parish vestry thinks itself a little dominion in itself, and looks with horror upon the next parish as treading upon its toes; the city too, looks upon the surrounding disticts askance. Whatever authority we have representing the metropolis, it does its best of course, but still it is looked upon with jealousy by other authorities. In fact everybody's arm is against the others, and we have not yet found out the means of even getting at the minimum of discord; I will not say at harmony.

3505. Then attributing, as you do, those evils which are patent to us all to this divided authority and this jealousy of interference by one body with another, do you think it desirable if possible to produce some harmony of action, and to render what is now divided united in those works?—I think the experiment should be tried; my only hope is in Parliament. That is the one thing that has in my view a spark of real responsibility about it in this country.

3506. Have you considered at all how such harmony of action should be brought about?—That is the business of the Legislature; it is not quite my business. I see all the difficulties which the noble lord who has just given his evidence stated, but I think something could be done in the way of preventing those abortions by insuring a proper amount of publicity. I find great difficulty in getting to the point where the iron hand of despotism should come in and say that something is infallibly right, and must be. I think that public discussion in this country, which really means talking about the subject in Parliament, is the great security for preventing abominations; and if something could be done to prevent this independence running riot, I think it must be done in some way or other through Parliament. Whether you can make the chairman of the Metropolitan Board of Works in anywise responsible to Parliament I am not prepared to say. I rather agree with the noble Lord, that if you have two concurrent jurisdictions, that is to say, one based upon the ratepayers and the other based upon Parliamentary and Ministerial authority, you may get into delay and difficulty, like the two cats of Kilkenny. I doubt if by that means you are going to promote harmony of action, but I have no hesitation in saying that there should be the utmost publicity, and that nothing should be done in a hurry. You get the Press to talk about things; you get any number of Members of Parliament to talk about them in Parliament, and you may perhaps find out some means to prevent these things by having them talked about sufficiently.

3507. Publicity, as far as you have explained what you mean, means talk in Parliament; but, in order to have talk, you assume that you have facts to talk about. Now, we will take the case of those railways; how would you get publicity as to what the construction of the railway is to be, either as to its stations or its bridges, in such a form as to enable Parliament to discuss it before it is constructed?—I think you must first find some authority responsible to Parliament to tell Parliament of the mischiefs which are intended.

3508. That is to say, that the designs, as at present, of the line of railway and the gradients have to be submitted to the Board of Trade, so you would have the elevations for the stations and bridges submitted to some other authority?—I think so, and models too.

3509. What authority would you take?—I suppose the Office of Works is the best. It seems

seems to me not to be of much importance what it is, provided that you have a real responsibility existing which you can call to account, if it does not warn you of these errors.

3510. Those elevations should be submitted to the Office of Works according to your idea; but would you give the Office of Works any controlling power, or merely the knowledge, which knowledge it might or might not lay before Parliament?—That is a very delicate point; Parliament does not hesitate in the case of other things to create some department of Government to see that rights are not too much interfered with. You have the Endowed Schools Bill for instance. It is proposed by various stages that everybody shall be able to say his say, and that there shall be a sufficient warning even against any improvement coming about. It seems to me not at all impossible to devise the same thing on behalf of architectural art. Something can be done, certainly.

3511. Do you agree with what we have heard proposed, that the only persons who should have any power of control, for instance, over the railways, should be the Metropolitan Board of Works?—If you could make the Metropolitan Board of Works responsible, I should, I think, on the whole (they being the representatives of the tax-payers) prefer their being the responsible parties; but the difficulty which I see is, how to make them responsible to Parliament. The city of London is not responsible to Parliament. Parish vestries are the most irresponsible things in the world, except railway companies and limited liability companies; but the difficulty is to find out how you shall get this Parliamentary responsibility. I would say that if the Metropolitan Board of Works were not allowed to put up anything of their own without sufficiently showing to the public what they intended, there would be something in that. I do not know whether they could stop Mr. Fowler in his railway engineering, but I think they ought to know what he is going to do, and they ought to put up the red danger signal; but when they are to put their finger upon something and say, "You shall not do it," seems to me a little difficult. Then who is to do it? Who is to warn Parliament of those things? And then, after all, if the Parliamentary mind is warned, it is not quite clear to me that the Parliamentary mind is in such a frame that it will take advantage of the warning, and prevent the thing being done. The whole subject, in my opinion, is full of difficulty; but I am clear that the present state is a disgrace to our boasted civilization. Whether or not awakening us to the perception that we are in a most ignominious state of degradation in such matters will make us come out of it, I do not know; perhaps it will.

3512. Are you aware whether the Metropolitan Board of Works, in any works on which they are engaged, give any publicity to their plans, so that the ratepayers of the Metropolis, other than the representatives on the Board, have any means of knowing what this work is to be?—So far as I have heard, I believe little or none; I believe that they might have made the Thames Embankment, like the walls at Brighton pier, of concrete instead of granite.

3513. That is as far as any Parliamentary or Government control goes?—Yes.

3514. Might they have made it so without the ratepayers knowing before it was erected, what the nature of the works was to be?—I think so.

3515. So that at the present moment the public are in utter ignorance of what those works are going to be?—They are hoodwinked almost to blindness.

3516. Then do you think that the Metropolitan Board of Works, as at present constituted, gives any security that questions of Art entering into public works, though they may have been up to the present time considered, will be so considered in future?—I think not; and we cannot expect the Metropolitan Board of Works to be much wiser than the average common sense of the public.

3517. It is quite possible, is it not, that in any great work which might in future be constructed, and which might be necessitated from the requirements of the metropolis, owing to the ignorant impatience of taxation of the representatives, the ratepayers, aware of that ignorant impatience, might look much more to the scamping of the work, as regards artistic consideration, than to the making of a fine ornamental work, such as the Thames Embankment?—Until you have raised the tone of public sentiment for these things, you can have no hope of improvement.

3518. Do you think, therefore, that in such a case as that, with that danger a-head, it might be desirable to have some artistic element, either in the person of the First Commissioner of Works, or of a council assisting him, which would to a great extent, influence decisions as to the plans?—Looking to the state in which all municipal questions appear to me to be in London, it has occurred to me that for this purpose of architectural decoration, as well as for other purposes, that you might perhaps get a united authority by associating together the First Commissioner of Works, the chairman of the Metropolitan Board of Works, and perhaps the Lord Mayor; and I think that if those three persons were under the necessity of reporting to Parliament upon those cases—either collectively, or separately if they could not agree—and of giving publicity, whilst they had the power of calling in the best advice which they could, and certainly paying for it (I would not give a button for an opinion without paying for it; I do not believe that there is any responsibility without it, and I do not believe that the expense would be very great), then you will have nearly got the best tribunal you can get under present circumstances.

3519. Would you advise that they should be paid on each separate occasion, as it was required, or would you contemplate a permanent council of advice?—Certainly not a permanent one; but I would call in a body partly, if you please, elected by the various institutions, which band themselves together to promote those objects, such as the Royal Academy, the Society of Arts, the Civil Engineers, and so on, and partly nominated; I would do what is done at the Department of Science and Art, viz., pay them a fee for the day's attendance. We have no difficulty in getting the best artistic advice, and the best scientific advice to be had in this country, by giving a fee of five guineas to gentlemen to give us an opinion.

3520. You may have a permanent body, which yet consists of changing individuals; I meant a permanent body, with individuals from it selected to serve on that body, but elected for a certain time; is that your view of a permanent body?—I mean

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I mean a permanent council, with members changing according to circumstances.

3521. You say that, in your opinion, it is desirable that any council of advice, such as has been suggested, should be paid, and that the members should be paid so much for each attendance; and you say that you have had no difficulty in getting persons of eminence to serve upon those terms; can you give us an instance of the satisfactory working of such a system in your own department?—For years we have been accustomed to invite the President of the Royal Academy, and Academicians like Mr. Maclise, Mr. Westmacott, Mr. Horsley, Mr. Leighton, and others, who come and examine the works of art sent up from all the schools of the United Kingdom. They come for three or four days, for several hours during the day, and judge the works, and award the prizes; I am happy to say that it costs but little, five guineas a day to each person, for the examination of the culminating works, numbering 80,000. They examine the cream of those works. In addition to that, we have 23 subjects of scientific instruction, in which we have been accustomed to have for examiners, and have at the present time, men like Professors Tyndall, Frankland, Percy, Huxley, Cowie, and others. In fact, we have no difficulty in getting the very best men in England, by offering them a moderate fee of that kind.

3522. Do you pay them five guineas?—For a day's attendance, five guineas. If they examine a number of papers, the payment is so much per paper.

3523. Are those artists to whom you have referred paid in the same way, by the attendance or by the work done?—In the case of the artists of the Royal Academy, they are paid by the day's attendance.

3524. How many day's attendance does it require?—Probably four day's in the year. I think if you had a council, as a principle, you might get the services upon it for a short time on each occasion of the most eminent people in this country to warn you of any dangers ahead in the way of architectural taste. Then, again, we put up statues in the metropolis in an odd fashion. People think that a statue ought to look like a chimney sweeper; and if you were to put up a gilt statue, as the Greeks did with their best art, you would have a screech of horror all through the metropolis; you would have all the best public instructors denouncing it. That is the state of knowledge we are in as regards statues. We make them look like chimney sweeps, so that people cannot see the details of them, and then we think the images will glorify the people to whom we put them up.

3525. Have you found the system which you have described to answer well, and have you found no difficulty in obtaining the best advice?—It has answered perfectly. We never have the slightest difficulty in obtaining the best advice.

3526. In all those cases to which you have referred, were you bound to take the advice so offered you?—Absolutely. I should say no Lord President would dispute a question of physics with Tyndall.

3527. Does that answer apply equally to the decisions of the artists?—Equally. I do not believe that even our Inspector General, Mr. Redgrave, knowing the whole system, would dispute their decisions. I cannot conceive such a thing, and I know as a fact that it never has happened, and he never attempted to advise the Lord President to override the decision of this council.

3528. You have likewise, have you not, unpaid committees or commissions?—Yes, we have occasionally invited gentlemen to decide on a competition. I remember one in which the Honourable Member for the University of Cambridge assisted, and it never occurred to us to offer him five guineas. Some people are paid by honour, and others earn their livings in their professions.

3529. Can you name some others?—The Honourable Member for Bath has not acted for the department, but I know that upon other matters at Kensington he has served on a committee.

3530. Were those unpaid committees?—Those were unpaid committees.

3531. Had you any difficulty in getting persons of the position of my honourable friend the Member for the University of Cambridge, or the Honourable Member for Bath, to undertake those unpaid duties?—None, for the duties which we wanted.

3532. Was there much responsibility attached to the duties which they performed?—Not a very serious responsibility.

3533. What were the duties?—The Honourable Member for Bath served on a committee to determine the question of the architectural proprietors of the Albert Hall of Arts.

3534. That is a very important work, is it not, which I have heard called the "Cole-iseum"?—When you have five professional gentlemen advising upon a work of art, the utmost I think you have any right to expect from them is to say that they think it will do well or not; but exact responsibility is quite different from that which would have existed, for instance, if the Honourable Member for Bath had made the original design. They can warn you of errors, and they can say to you, "Make changes in this or that direction"; but I think there is a great difference between the responsibility of five gentlemen and the responsibility of one. Now, in the case of the science examinations, Dr. Tyndall is virtually responsible for the giving away of public money, and giving away exhibitions in respect of physics, so that there is an important difference between the kinds of responsibility in the two cases.

3535. Is there any record, or is it known that the Honourable Member for Bath was referred to upon the question of the architecture of the Albert Hall?—Yes, distinctly. Minutes are kept, and so far as there is a responsibility, he is responsible to the paymasters of the hall.

3536. Therefore he is as responsible, though unpaid, in that case as the President of the Royal Academy, who is paid, is responsible for the decisions which he comes to in the other case?—I am hardly inclined to say "Yes" in that case; though I should say distinctly "No" in the case of the science judgment.

3537. In the case of the President of the Royal Academy, and those artists, and Professors Tindal, Huxley, and others, who are called upon to give opinions, should you say that their opinions were practically binding upon the Lord President?—Yes.

3538. In the other case, when the Honourable Member for Bath was called in to give an opinion, was his opinion binding?—I should say that it was rather advice, whereas the other was absolute.

3539. When

3539. When the honourable Member for Bath agreed to that, was he aware of those two circumstances: one, that he was to receive no salary, and the other that he had incurred considerable responsibility, but that his advice would not necessarily be taken?—I apprehend so; he certainly knew that he was not to be paid.

3540. And yet you had no difficulty in getting him to undertake that position?—None at all.

3541. Do you think that you would have any difficulty, supposing that it was thought desirable not to pay persons so employed, in getting persons of the standing of my honourable friend, the Member for the University of Cambridge, or of the honourable Member for Bath, or in getting persons representing the Society of Arts, or the College of Civil Engineers, or the Institute of Architects, to serve on this permanent committee, and to undertake this responsibility, without pay?—I think not; but I think you must put the responsibility of seeking that advice very definitely somewhere. The responsibility to Parliament, and the warning of Parliament of a mistake, is one thing; but the giving advice to the responsible party is another.

3542. Would you make the recommendations of such a council binding upon the First Commissioner, or upon his trio which you have proposed, of the First Commissioner of Works, the Chairman of the Metropolitan Board of Works, and the Lord Mayor?—I think it would be morally so, and would be held to be binding, unless it could be shown that the advice was erroneous.

3543. Would not that take away the responsibility from the responsible heads of those different departments?—I think not; I do not think you have any right to assume that the Lord Mayor has much artistic judgment; I think that Sir John Thwaites is rather chosen from his being a man of business, than from his having artistic instincts; and I apprehend that the political appointments of Ministries are made rather from political considerations than from other considerations; so that I should be disposed to say that, at all events, unless those three gentlemen could show the public and Parliament that the advice given to them was altogether absurd, morally they would be bound to follow it. I do not think that you could lay down rigidly by Act of Parliament that under a penalty they must follow it.

3544. But supposing that there were not this union of the three co-ordinate powers which you suggest, of the City, the Metropolitan Board of Works, and the Commissioners of Works; and that it was really the First Commissioner of Works who had the benefit of this council, of which the chairman or some member of the Metropolitan Board of Works should be a member, and of which also somebody should be a member from the City of London; would you make the suggestions of this council binding on the First Commissioner, or would you leave it to him to exercise his own judgment as to whether he would follow the advice of that council or not, the decision of the council being of course known to the public, and any departure from that decision on the part of the Commissioner being done on his own responsibility?—I think it would have to come to that.

3545. Have you any suggestion to make otherwise than what you have already stated to the Committee, with a view to getting us out of this mire in which we are at present, as regards all these matters?—I do not see much daylight. I think that anything you do must be experimental. It will probably fail, and then you must find out where it failed, and how to do something better; but so long as you have the arts in the state in which they are; the engineer knowing nothing of architecture, the architect knowing next to nothing of engineering, neither of them being painters, nor any of the three knowing anything about sculpture; all working independently, and having their own customs; so long as you have all that divided, it is very hard to say how you shall get a judgment which will form a good taste anywhere. All is against the practice of the past, when those arts were united in great men like Michael Angelo, and Leonardo da Vinci, Raffaelle, and others. I have no hopes except in the gradual elevation of the public taste, and publicity, and undivided responsibility somewhere. As to how you are to get it, I think you must make a great many jumps, before you will jump right. For instance, let me say something which came under my eyes this morning. I see a little pigmy statue, representing Lord Palmerston, between two gothic lamp-posts, bigger than itself, opposite the Houses of Parliament.

3546. Mr. *Beresford Hope.*] Have you seen it crossing the way?—I saw it coming down to the House this morning; I feel quite satisfied that the public will cause it to be taken away. My instinct tells me that Lord Palmerston will not stand there between the two lamp-posts for all time quite out of scale with the lamp-posts and with the Canning statue seen at the west.

3547. *Chairman.*] You do not think yourself that he ought to stand there?—I do not know that my thought on the matter is worth a button.

3548–3552. But you predict that he will not stand there eventually?—I do.

3553. Looking to the future, in any council which is formed, or which may be formed, as a council of advice to the First Commissioner, or to anybody else, would you have it representative, or would you have it nominative?—I should make my legislation so that I could try both; but I am rather inclined to be in favour of the trial of a representative body.

3554. Would you have it partly representative and partly nominative?—I am rather inclined that way. Your responsible tribunal might be bound to select one representing the Royal Academy, another the Civil Engineers, another the Antiquaries, another the Society of Arts, and not leave the nomination to those societies.

3555. In the cases which you have cited from your own department, is it entirely a nominated council, or is it a representative council?—It is nominated. We enjoy, at Kensington, an undivided responsibility. The Lord President is the one person responsible for everything going wrong, and consequently he, according to the best of his judgment, does everything, taking all the advice he can. In this case he names as judges various professors and artistic celebrities. I do not think we should get at Kensington any advantage by putting the nomination out of the hands of the Lord President.

3556. When you say the Lord President nominates them, there are two ways of nominating; there is nomination purely by selection, and there is a way of nominating *ex officio*; does he take

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the President of the Royal Academy *ex officio*? — *Ex officio.*

3557. Are the other artists, who are named from the Royal Academy, artists who hold certain positions, such as the artist who has charge, for a year, of the School of Painting, another artist who lectures on painting, another who has to do with the anatomical school, or are the artists nominated by the Lord President, other than the President of the Royal Academy and the *ex officio* artists, and does he merely take them as a general body at his discretion?—He takes a sculptor at his discretion; he takes a Royal academician who has shown a feeling for ornament; he takes a painter who is known before the world to be strong in drawing the figure; in the case of science, he takes for the most part the professors attached to the department.

3558. In the question which is immediately before the Committee, which is the question of the council of advice, or whatever it may be called, to aid the First Commissioner, you are upon the whole in favour of its being representative, or perhaps partly representative and partly nominative; supposing it to be representative, what bodies should it represent?—I think it ought to represent the Royal Academy, the Institute of Architects, the Civil Engineers, and the Society of Arts; I think that is enough in the way of representation.

3559. Would you think that it might also represent the Society of Antiquaries?—I see no objection.

3560. And clearly the City of London and the Metropolitan Board of Works?—Certainly. You will not get on unless you make things pleasant with them.

3561. By having two representatives from the Metropolitan Board of Works, you might have one representing that part of the City of London which is represented on the Metropolitan Board of Works, might you not?—I am disposed to take the City into alliance.

3562. You are acquainted with many foreign cities, are you not?—Yes, partially with many.

3563. Are you at all aware what control is exercised there over public works?—I only know the case of Paris.

3564. Is there anything there analogous to this council or committee which has been suggested?—I think not; I think that the Prefect of the Seine does the work in hisown way. I know that he is surrounded by the people who are very competent to give him advice, and being always more or less in very friendly alliance with the powers that be, of course there is no friction between the Government and the Prefect; and there is no friction with the taxpayer, because he has not much of a voice in the matter.

3565. Do you agree in the argument, that no distinction can be drawn between the metropolis and Leeds in this matter of interference with the public works in the City?—I do not at all.

3566. Do you think that a distinction can be drawn?—I think a marked distinction.

3567. Upon what ground would you draw the distinction?—In the first place, in the metropolis you have 3,000,000 of people concentrated together at present, and there is only about a tenth part of the number, we will say, at Leeds; that is one reason. If all England was in the metropolis, you would not find that there was much analogy between all England, centered in the metropolis, and a little place perhaps far away. In the next place, it is clear that all England comes to the metropolis, very largely. The metropolis is greatly supported by people who come from the provinces habitually. Then there are other classes of people who live both in the provinces as well as in London. Then you have public buildings, and a great deal of public expenditure going on in London. The Legislature meets there, and as you look up to the Crown as the culminating point, the metaphysical part of our constitution, so you look up to the metropolis as the worthy representative of the state of intelligence of the nation. The best shops are in London, that is a free-handed operation of trade, and having all those and other points unlike a local town, to my mind there is a kind of central responsibility which ought to exist in London, different from what exists in a provincial town. You have public museums in London, and you have them because the greatest number of people are here, and you must have them somewhere. Then you have, or you ought to have, pride in the look of your chief metropolitan town, and if you have not, you can go to school and get it. Even the Republicans of the United States are proud of their Washington. Supposing a railway wanted to go through Westminster Abbey, I should hope there would be a rebellion in London, and that you would get Mr. Beales to rise up and prevent it. At present we are taking a *laissez faire* action, and therefore everybody does what he likes.

3568. Assuming the principle of municipal government to be sound, and that the municipal authorities should have the control of the taxation for public works raised within their jurisdiction, do you think that that sound general rule absolutely applies to this metropolis?—It cannot apply to London, because you have no municipality. You have an old corporation in the City; you have a new Board of Works; you have a number of wretched independent parish vestries, as jobbing as anything, and as rotten as possible. You cannot say that you have a municipality in London. If you had, there might be some little difference.

3569. Then I gather from your evidence that, in your opinion, neither as a matter of principle nor as a matter of policy, having in view what we all wish, which is the embellishment of the metropolis, in which every individual in this nation has a joint and collective interest, would it be advisable to leave the Metropolitan Board of Works wholly uncontrolled to manage those things?—Certainly, I should say not. I cannot take Sir John Thwaites as the representative of all the architectural possibities in London; you cannot dream of it; I had much sooner take the Lord Mayor, if I had to choose between the two.

3570. Do you think that Sir John Thwaites, as representing that Board, would have any just right to complain of his Board in his person being put in an undignified position, or in an unjust position, if some such controlling powers were given by Parliament as you have suggested, and if he, representing that Board, had his fair voice on the council which was to be established under the new system?—I think not. I think he ought heartily to rejoice in it.

3571. In the same way you would put on the Board a representative for that portion of London embraced within the precincts of the City?—I think so.

3572. And so far from there being a loss of dignity, should you not think that it was rather

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an accession of dignity to be associated with all those persons, chosen especially for their artistic knowledge?—I think so.

3573. Mr. *W. Cowper.*] You stated that you thought that the hope of efficient control over buildings in prominent places in the metropolis would lie in undivided responsibility and publicity; supposing that your first suggestion were adopted, and that the body to whom those duties were assigned were to consist of the First Commissioner of Works, the Lord Mayor, and the Chairman of the Board of Works, would you divide the responsibility between all three?—Assuming the idea to be worth consideration, my notion would be that they must act corporately, and have the responsibility of reporting publicly to Parliament on those various architectural changes which are about to take place.

3574. But would the responsibility which rested upon those three men be what you would call an undivided responsibility?—I think it would, *quâ* that corporation; I should certainly prefer an individual sole responsibility, but I see many difficulties in arriving at that; such difficulties that I should almost conceive it hopeless at present.

3575. Is it your idea then that each of those three personages should have an equal voice in the decision?—I think so.

3576. Supposing that the other suggestions were adopted, of associating a council of advice with the First Commissioner of Works, do you contemplate that the First Commissioner should have an undivided responsibility of his own, independently of his council, or that he should simply rank as one of the council in regard to the ultimate decision?—I should make him responsible in that case, with such safeguards of publicity as would keep it right.

3577. Would you require that any advice given by that council should be made known to the public, so that upon him might rest the responsibility of having disregarded that advice, if he did so?—Certainly.

3578. Do you think then that there would be an advantage in associating with them persons elected by independent art committees, and not leaving it entirely to his selection?—I think there would be some advantage in a mixed system; I think that he should nominate some, and that the others should be chosen from societies.

3579. *Chairman.*] Would you have them elected or nominated for a year, or two years, or three years?—That is a matter to debate.

3580. Mr. *W. Cowper.*] You would not think it desirable, would you, to make them a rapidly shifting body, but you would require that there should be some permanence in the body?—I think the nominees would be the permanent members more or less, whilst you would get new views and new interests by the representatives changing.

3581. *Chairman.*] They might be elected for one year, or two years, or three years, as the case might be, and be re-eligible?—Yes.

3582. Mr. *W. Cowper.*] So that if you followed the precedent of the Metropolitan Board of Works you would elect him for three years, with the possibility of his being re-elected?—Yes.

3583. Do you contemplate that if to this council were allotted the task of considering those buildings of importance which arise out of Acts of Parliament, they would have much to do, or many subjects of consideration?—I should think there would be a good month's work, on and off, in the year; but I think that you might ease their labours very much by compelling persons who want to build, and railway companies who want to carry a railway, and other authorities, to have proper elevations and drawings and especially models, upon which any council of advice might, without any great deal of laborious work, say, "This is very damaging; this could be improved;" and, if the thing is worked with common sense, I think that all parties would get on pretty fairly.

3584. Supposing that they had only to consider drawings and elevations, and possibly models, which would be submitted to them for buildings to be built under Acts of Parliament, would not their work be really slight, because they would have only to express a judgment upon those drawings, and would not be called upon to suggest any substitutions, or to make any designs of their own?—Certainly; the work would be comparatively slight.

3585. Do you think that that is work which might not be easily allotted to persons who would not require payment for such work, but who would be satisfied with the important public service which they were rendering by giving that advice?—I have a great objection to take a professional man, whose judgment ought to be the best, and who is living by his brains, and expecting him to give it to the public for nothing. I can quite understand persons who have retired from their profession, such as Mr. Robert Stephenson, or the honorable Member for Bath, and others, feeling gratified at being asked to do a public service, but if you wish to select the best artistic judgment you can, and the possessor of it is in the heyday of his work, I think it is monstrous to ask him for his labour for nothing. You might as well ask a leading counsel to advocate your cause, or a physician to come for the sake of the public service and feel your pulse.

3586. But while it would be very wrong to ask an architect to do architectural work, that is to say, make drawings or plans without payment, is it not quite a different matter when you ask a man of taste and experience to give an opinion upon works which would not involve any labour or any length of time to perform?—To ask a gentleman and give him public credit for coming to you and seeing a model, upon which it will take him half an hour to give you a judgment, of course might not be necessary, but even then I should prefer that he should have a payment; I think he would feel his responsibility much more than he would by stepping in and giving a perfunctory sort of opinion which you can take or not.

3587. When judges have been appointed for competitive designs either of the Courts of Justice or of the National Galleries, or of other buildings, and professional men have been employed, it has not been usual to offer them any salary; would not the work which would be required under this supposed council of advice be rather more analogous to that than such work as you have mentioned as being done, where men have to give a whole day to the minute examination of the student's work?—I feel strongly that whatever is worth having is worth paying for, and I also feel strongly that in proportion as you pay for it so do you get work well done. There is no favour on either side, and if he does not do the work well you can call him to account and get others.

3588. *Chairman.*]

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3588. *Chairman.*] Do you think that any distinction could be drawn in forming such a council, in a discretionary power being given by any authority or Act of Parliament to pay those who are in the active pursuit of their profession?—I think it is not worth a moment's consideration; who would grudge having to pay 1,000 *l.* in fees, to be relieved from the Charing-cross station? You could raise the money by a public subscription of farthings.

3589. Mr. *W. Cowper.*] Would not the class of persons whom we should desire to see on this council of advice, rather be a class whom we should call critics in art and architecture than professors in that art?—I entertain a strong objection to unprofessional critics. When a gentleman wishes to build his house, he is wholly responsible for the taste which he may choose to exercise in it; but if you call him in as a semi-public servant, to give an opinion, I object; I dislike anything but a professional opinion.

3590. Would you question the fact that many people may be excellent judges of architecture, without having themselves any professional knowledge or power of building?—The proof of it is in the practice; I rather doubt about it.

3591. *Chairman.*] It has been pointed out that, as the Office of Works is at present constituted, if the First Commissioner of Works wishes to have the advice of any architect or engineer, or other person, he can privately consult such a person, and have the benefit of his advice; but that advice is now given without any publicity, and without any responsibility, as far as publicity is concerned, is it not; that is to say, no public reponsibilty can possibly attach to advice given by a private individual in his private capacity?—No.

3592. And any advice given by an engineer or an architect, privately consulted by the First Commissioner, comes under that category, does it not?—Yes.

3593. Whereas, even if they were unsalaried, if any number of architects and engineers, and others, were appointed on a council, and were known to the public to be so appointed, and to give advice, they would act under responsibility, would they not?—Certainly.

3594. And, therefore, there is the broadest possible distinction, is there not, between a council paid or unpaid, as has been suggested, and the individual chance haphazard opinions given by private individuals who may happen to be consulted by the First Commissioner?—A wide difference.

3595. Mr. Alderman *Lawrence.*] I suppose, in reference to a council deciding as to architectural beauties and as to architectural necessities, you would consider the question of site as of equal importance with the architecture of a public building?—Yes.

3596. You have alluded to the Albert Hall of Arts; the site which that occupies, I suppose, must be considered an admirable site, having the Park in front and the ground falling from it at the back?—I think it will prove so.

3597. And the very reasons which made the site of that building admirable would have made the site of the Exhibition building of 1862, if it had remained permanent, an unadvisable site, would they not?—I think that experience has shown that it was wise to pull it down.

3598. If that building had been permanent it would have been upon a site which would not have been most advantageous for a building of that kind, would it not?—The main defect was that it was too near the road.

3599. And the ground, I apprehend, sloped down to it rather than sloping from it?—That depends upon the way in which it might be treated; I should not like my answer to lead to the conclusion that it is impossible advantageously to put a public building upon that or on a sloping site.

3600. But I apprehend as a general principle, that a public building on a higher portion of ground, the ground belonging to it sloping down from it, is more advantageous than a building put upon the bottom of the ground sloping up from it?—There is a great deal to be said, and you must look at the precise case I think before you can pass a judgment; I do not think that you could very safely lay down a general principle.

3601. Might I not lay down this principle, that if it had been possible at the time when that building was erected, as it was intended for a permanency, it would have been far better to have placed it in the position which is now occupied by the Albert Hall of Arts, than in the position in which it was placed?—Yes, if it remained for all time; but as circumstances have turned out I think it is better to have the Hall of Arts where it is; and I think that it was wise to have pulled down the 1862 Exhibition building, but I think that it would be dangerous to say that buildings in hollows do not look very well. The monks, who knew what was good in architecture as well as in other things, frequently selected the most picturesque sites which are quite in hollows. Some of the most beautiful buildings in this country are not on the tops of hills, but in hollows.

3602. *Chairman.*] Were not those situations necessarily near a good trout stream or a tench pond?—No doubt.

3603. Mr. Alderman *Lawrence.*] But supposing that you had to erect a building for the purposes of an Exhibition, similar to the one in 1862, and that you intended it to remain permanent, and that you had the same space of ground now free and clear, and that you could have the choice of placing it where the Albert Hall of Arts is placed, or at the bottom, which place would you choose for it?—In the abstract, I should say the place where the Albert Hall of Arts is.

3604. Then, may I come to the conclusion that it was rather a mistake to place it where it was placed for a permanent building in 1862?—It was Hobson's choice as respects taking that particular piece of ground. It was easy to get that piece of ground, difficult any other. That a great many mistakes were made in that building, I readily admit, but that it would be possible to put a good public building there I am prepared to say.

3605. I think there can be no doubt of the possibility of a good public building being placed there; the only question which I have asked is, supposing you had the choice of the two sites, the one where the building was originally placed, and the site which is now occupied by the Albert Hall of Arts, which of those two sites would you choose upon; which to put an Exhibition building, afterwards to remain permanent?—That must depend entirely upon circumstances.

3606. *Chairman.*] Are they each 16 acres?—No.

3607. Was not the site below much more suitable,

able, as regards space, than the site above?—The site above is only about eight acres.

3608. Mr. Alderman *Lawrence.*] I understand that you prefer that a public building should be on the upper spot, rather than the lower spot, for an Exhibition building for a permanency, if you should have the same quality of land in both positions?—With respect to the Exhibition site, I have attempted to give an answer which illustrates my reason; with respect to the general question I have also answered; with respect to another case which I have in my eye, if I am asked whether I prefer to have the Law Courts on the Thames Embankment, which is lower than the Carey-street site, I infinitely prefer the Thames Embankment.

3609. Mr. *W. H. Smith.*] The inquiry before the Committee divides itself into two branches: first, whether it is expedient that there should be an authority which should exercise control over works carried out by the Metropolitan Board of Works, and next, whether there should be an authority which should exercise control over works which are carried out by private owners or corporate bodies; are you of opinion that it would be possible to constitute an authority which should have a veto over the works executed by the Metropolitan Board of Works at the cost of the taxpayers, which would act satisfactorily and harmoniously with such a body as the executive of the Board of Works?—I have tried to express my views by the answers which I have given. I have attempted to show that we are in a state which requires some drastic remedies; I think it might be possible, admitting the permanence of the Corporation of London, admitting the existence of the Metropolitan Board of Works, and also the State itself as representing large interests in the metropolis, in some way for them to concur at all events to prevent mischief (I will not say to create things; each one will create things for itself), and to see that they do not tread upon one another's toes, and offend public taste; whether what I have suggested be practical or not I cannot say.

3610. You are aware that such a veto existed in the First Commissioner of Works some time ago, and that it was given up?—I dare say it did not work well, but that is not what I contemplate.

3611. Your knowledge, of course, of public bodies is great, and you know the jealousy which exists between bodies having co-ordinate authority, or between the body possessing the taxing power and the body which exercises control over that power?—There is always as much animosity between a cat and a rat as there is between one public department and another.

3612. With reference to this council, that would advise the First Commissioner of Works, would you merely give it a power of advice?—I should first look to see what the corporation, or unit, or individual is who is to be advised, and that would somewhat regulate my judgment as to the nature of the council. The first question I do not conceive yet to be settled. The Right Honourable Member for South Hants has put some questions to me which show that it is quite a distinct thing where a Minister has the sole responsibility, and where, perhaps, he is acting in union with other people. If you could get a Minister who could put all things right in London, then, of course, he ought to have undivided responsibility, and seek the best advice he can where he can; but that I look upon as a dream at present.

3613. *Chairman.*] Supposing that you gave co-ordinate authority to the Lord Mayor, Sir John Thwaites, and the First Commissioner of Works, would there not be this difficulty, that you would have done away with the Parliamentary responsibility of the First Commissioner in a great measure, because he would be in a position to say, "It is true that this has been done, but I was in a minority; the other two were against me"?—Supposing that it touched some Parliamentary piece of work paid for by Parliamentary funds, then the whole of their reports would go before Parliament and the public, and in some way it would be solved by some common sense at the time. But that is a very extreme contingency. I think that to produce harmony you had better trust to the opinion of such a Board duly published.

3614. Lord *John Manners.*] Would you give to the Lord Mayor and the Chairman of the Metropolitan Board of Works and the First Commissioner of Works the power of interfering with all the buildings in your own department?—I would give them a power of interfering in the way of advice. The Lord President would be responsible to Parliament for the carrying out of the work and spending the money properly, but if so be that the Lord Mayor and Sir John Thwaites could give a useful opinion, or any opinion, I think it might be well to have it.

3615. *Chairman.*] If the First Commissioner was responsible, and the Lord Mayor and Sir John Thwaites differed from him as to the plans, what he is to do?—Alter them if they could be bettered. I do not think that that body has any function of submitting plans of their own.

3616. Mr. *W. H. Smith.*] I think I understood you, in the early part of your examination, to say that you hoped it would be possible ultimately to create such a body as that which we have been discussing, but that you looked rather to publicity, to the education of the public mind, and to discussion in Parliament to prevent immediately the evils which all of us regret?—Yes.

3617. Do we rightly understand you that in the first place, and as a step to the creation of this ultimate power, it is your opinion that we should increase the publicity with which every step in the production of those works should be accompanied, and put it upon some public authority to consider and publish, and if necessary oppose before the Committees of the House of Commons, or elsewhere, so as to prepare the public mind for the creation of a central authority?—I think so, and I should say that you would not have had the abominations which you would now be glad to get rid of, had you been sufficiently warned of what they were likely to be before they were created, and that if some remonstrances could have been made to the engineers upon the subject, and if there had been some kind of competent authority to look at the subject before it was done, you would have been saved the trouble, and probably, too, without even any supervising despotism.

3618. But I understood you, that in your judgment it must be the first step in the education of the public mind to support the creation of some authority, such as that which we have been discussing during the last half-hour?—I think so.

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3619. You think that it would be impracticable to create an authority possessing a veto which would work satisfactory with the popular bodies, until first of all this tentative step had been taken, making it compulsory upon all persons seeking powers to erect large public buildings to make new streets, or construct railways, to deposit plans to show distinctly what their works are intended to be, and to put it upon some public authority either to oppose here or to discuss publicly the effect of those plans?—That is my view; I think that you would spare London a great many inflictions if you compelled the parties wishing to put up architectural structures to exhibit proper models of them in some public place, and supposing you could do nothing more than that, I believe that would be a great good.

3620. You referred to the fact that it was the custom of the Department of Science and Art to obtain advice from the most competent persons from time to time as they might require it; is that advice given upon questions of construction, or is it advice as to questions affecting the giving away of prizes, which are purely personal matters as between the recipient and the Department?—In any question upon which the Lord President may not be supposed to have fully competent authority under his own direct control, or upon which there is controversy, such, for instance, as the lighting and ventilation affecting the preservation of pictures, he has constituted a specific committee to report upon that subject. This committee is composed of responsible professional advisers with his own officers, and reports have been made; in the case of the construction of the building of course he ought to have an officer who is responsible for it, and he has had no reason ever to doubt that he had one. He would think it very superfluous to call in a second engineer to know whether the thickness of the walls was what it should be; as respects the other professional advice for giving away prizes and so on, I have already described that; we have had no difficulty for over 12 or 14 years in getting at any time *ad hoc* the best professional advice which this country could afford.

3621. And I suppose, as a rule, you have followed that advice when you have obtained it?—I think invariably.

3622. But it might happen that the First Commissioner of Works, or this new authority, constituted as you have suggested, might take advice, and might not be able, from a variety of circumstances, in a great many instances to follow that advice; do you conceive that it would be probable that gentlemen would consent to act upon a committee of advice, their advice being frequently ignored and departed from on public grounds, the difficulties in the matter being exceedingly great?—That will very much depend upon the common sense which is exercised in the whole business.

3623. Lord *John Manners.*] I think I understood from you that to this new tribunal, consisting of the Lord Mayor, the Chairman of the Metropolitan Board of Works, and the First Commissioner of Works, you would confide the deliberation upon such public buildings as were undertaken by departments of the Government, by municipal bodies, or by public companies?—That is the inclination of my mind.

3624. You have said that you would not exempt even your own department from that operation?—No; I would try the working of the general principle.

3625. The Lord President and the First Commissioner of Works being members of the same Government, do you think that in the event of a difference of opinion between this consultative body and the Department of Science and Art, the work of the Government would go on smoothly?—I should hope it would; I can foresee difficulty, but the whole case is full of difficulty. I do not know why the Government should affect to be a great deal wiser than either the Metropolitan Board of Works or the Lord Mayor in his corporate capacity. I do not think that the Government would have built a better Embankment. Then if you put to me a closer question as to whether I should see any difficulty in that committee criticising the South Kensington building, I do not see any. I think we could explain it satisfactorily enough.

3626. But supposing that two departments of the Government differed, and you had the First Commissioner, and the Lord Mayor, and the Chairman of the Metropolitan Board of Works dissenting from the style of building proposed to be erected by the Lord President of the Council, how do you think the harmonious relation between the heads of the various departments of the Government could be maintained?—I think that if the Lord President could not convince them that he was quite right, of course you might conceive that there would be a dead-lock; but supposing that our buildings had not commenced, and that it had been a question upon a view of the models and plans, whether they should adopt the style selected or some other, then of course some one or other of the parties would have agreed about it. You may contemplate that there would have been such a difference of opinion that you would come to a dead-lock. That happens in some cases, and you would somehow get over it; but if they were to come now and say, "I think you had better adopt the style of the thirteenth century," I think common sense would be against them, and they would give in. But I see rocks ahead everywhere.

3627. At the present moment, can you tell the Committee what are the relations which exist between the Office of Works and the Science and Art Department?—None at all.

3628. Is there clear and distinct independence?—Completely so.

3629. With regard to the works undertaken by the Science and Art Department, are you satisfied that you do not require the assistance of the First Commissioner of Works?—Quite.

3630. Am I putting it too far in asking whether you suppose that the First Commissioner of Works requires the assistance of the Science and Art Department?—I am not prepared to say that.

3631. Be that as it may, at the present moment there is complete mutual independence, is there not?—There is complete independence officially.

3632. And the consequence is that there are no official rubs and jars, which lead to hindrance?—None at all.

3633. With respect to another great spending department of the public service, viz., the War Department, are you able to tell the Committee what relations, if any, exist between the First Commissioner of Works, the President of the Council,

Council, and the War Department, *quâ* barracks and other buildings of that character in the metropolis?—I have no official knowledge of that.

3634. Should you be surprised to hear that the First Commissioner of Works has nothing whatever to say to barracks to be erected in the metropolis?—I have seen it so stated.

3635. Would you propose that this council of the Lord Mayor, the Chairman of the Metropolitan Board of Works, and the First Commissioner of Works, should have a veto on the barracks which the War Department propose to erect?—If the barracks were going to be in any very ostensible public situation, and if they proposed to repeat anything as ugly as the Knightsbridge Barracks, I think that the opinion of that body would be very useful.

3636. Do you imagine that the friendly relations between the Office of Works and the War Department, would be promoted by that system?—I think that if the War Department want to put up something hideous, as they do not affect to have any architectural taste, it would be rather wholesome for them to be kept a little in order.

3637. Do you think that at the present moment the system is defective in that respect, that the War Department has unlimited control over the buildings which it erected?—The War Department does not affect to be an architectural department. It is a constructional department, building by means of its Royal Engineers. They do sometimes, they put up bad things, no doubt; and if they were going to put up a railway station as ugly as the Charing-cross station is, I should say it would be a very good check upon them if they were called to account before they put it up. As to their quarrelling over it, that I dare say they would do so, but still it would be very good for the public. The public would not pay for a hideous building, and their eyesight would not be insulted.

3638. Mr. *Beresford Hope.*] I gathered from what you have said that the Science and Art Department is an artistic department?—So it is supposed, and that is its assumption.

3639. Is that the assumption on which you give your evidence?—Yes.

3640. It is under the responsibility of the Lord President, and you consider it an advantage to be under the responsibility of a strong Cabinet Minister, do you not?—Certainly, of the highest advantage.

3641. The Department of General Education, the three R.'s, and so on, is also under the Lord President, is it not?—Yes.

3642. Have you any very close relations with that department, except the fact of having a President and Vice President in common?—We teach drawing, or cause it to be taught, or instigate its teaching, at the national schools.

3643. Still you have your own very distinct line of operation, have you not?—Yes, excepting that we are, in a broad sense, altogether educational.

3644. That is one view of the matter; but yours is the Department of Artistic and Scientific Education, is it not?—Yes.

3645. You consider that the Office of Works is, or ought to be, to a great extent artistic also?—Certainly.

3646. Have you ever considered whether your own position might not be strengthened if the responsible Minister always in the Cabinet, whom, as you so justly say, you feel to be a tower of strength to you, should be a Minister of Arts and Architecture, who would take you away from the mere Downing-street branch of the Lord President, and also administer the department now not so strongly worked by the First Commissioner?—If you wish the Science and Art Department to be for the good of the education of the whole country, then I think if you do not recognise that educational function to be its highest function you would damage it. But it has also an artistic function, inasmuch as it is erecting its own buildings at least, and trying its own experiments in them. That is, in my mind, rather subordinate to the educational function of the department. If you ask me whether I think that the Museum would be benefited by being put under a Minister whose mind was turned to public works, I have some doubts, and I think it ought to be kept as an educational institution.

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3647. Do you see any difficulty in our hypothetical Minister being an educational Minister, there being a new department of the State, a ministry of arts, architecture and science, which should take up arts, both in their practical and their educational aspect, leaving the Downing-street department, so to speak, to look after practical education?—I see great difficulty in that; it would take, perhaps, too long to go into all the details, but if you are in the faith that a parish school should do nothing but reading, writing, and cyphering, and that it should not have a little geography, a little history, and a little drawing, and a little something else quite on the borders of science and art, I venture not to agree with you. If you thought the school should be highly taught, it would be very hard to say that you should give reading, writing, and cyphering to one Cabinet Minister, and geography, and so on, to some one else who is called an Art and Science Minister.

3648. Is it not the fact that you build very magnificent public buildings, such as the Albert Hall and the South Kensington Museum; that the First Commissioner of Works builds others; that the War Office builds barracks, which are big if they are nothing else; and that the First Commissioner of Woods builds other things, which are also big if they are nothing else, and looks after statues which stand upon Crown land?—Undoubtedly there are lots of anomalies in the whole thing, and it might be possible to get to a more logical state of things; I only hold strongly to the faith, that if the Science and Art Department be not educational, we had better not exist.

3649. Do you not conceive it possible that persons who hold that belief as strongly as you, want to extend the domain of education and want national architecture to be artistic, and not merely that which is comprised in the word "works"?—That is another point; let me say that I have no responsibility as regards the Albert Hall, except by paying for a share.

3650. *Chairman.*] Who is responsible?—The corporation.

3651. What corporation?—The body that has raised the capital of 200,000 *l.*

3652. Mr. *Beresford Hope.*] Seeing difficulties then on all sides, are you opposed to a reconsideration of the national administration, which would give a more logical and complete position to all art and all science as such, including architecture

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tecture as one branch of it?—On the contrary, I should gladly see any improvement.

3653. Are you satisfied that the present position of affairs which leaves works under a Minister who may or may not be in the Cabinet, and who divides your work between the Lord President and the Vice President, is not perhaps the best concentration of power and force?—*Quâ* architecture no; *quâ* education, and helping the people to be better instructed, yes.

3654. Then do you think such a concentration as I contemplate would necessarily damage the art education of the people?—I think that if you look upon museums as mere *dilettanti* places, antiquarian shops, without reference to their teaching or to their being turned practically to account, they are dull and useless affairs.

3655. Granting that is not the best chance of their being turned to a good use, there being one department which shall look after both their outside and their inside, and which shall try to make their outside as little disfiguring as possible, and their inside as generally useful as possible?—I think if you keep a Minister of Works having charge of public buildings and architecture, and in some way ally him with the educational branch, without damage to the educational branch, you may do good service. But if you say you will have one man who will look after the Public Works, who shall take up the æsthetical branch, and the museums, and what not, and another man who shall look after the three R's only, and another man, I do not see daylight.

3656. Of course, in any such re-casting, the new office would require an organised system for communication with other departments?—On that point I have no doubt at all that there ought to be an inter-communication amongst them. I can suppose that art education is left at Kensington, and that the Minister of Public Works and Buildings may become responsible for the art of the metropolis, and then, I think, there ought to be close relations between him and Kensington certainly.

3657. Do you think in the same way that the Commissioners of Woods and Forests ought to owe some subordination to the Office of Works in reference to statues or other public masses of matter put upon Crown ground?—I think so.

3658. And the same with regard to the War Department?—That is a fighting instrument, and it does not affect to be an architectural one, but if it did affect to do anything in architecture, I would have it looked after.

3659. But when the happy day comes to build the Kensington Barracks elsewhere, you would be glad that somebody who knew something of architecture should survey the elevations, would you not?—I hope the day will come when the Royal Engineers will take them down and never rebuild them on that site, and if they are put in some unseen situation that would not trouble London very much, then I do not think this supposed tribunal need trouble themselves very much upon the subject, but if they are to be put in Hyde-park, or some such ostensible place, I think a little gentle advice to the War Department may be good.

3660. *Chairman.*] Do not you think that even in this unseen situation there might be some person interested in the character of the buildings, such as Mr. Cole for instance?—Yes.

3661. Mr. *Beresford Hope.*] Might there not be enterprising tourists and water-colour painters looking out for picturesque nooks?—I think if you are going to build the barracks on the Carey-street site, you need not trouble yourselves much upon the subject.

3662. Do you consider that if the barracks were built on the Carey-street site, their outline would be visible from the windows of the palace we are now in, and for a circuit of six miles round?—They ought not to be ugly, certainly.

3663. Do we gather from the evidence which you have just given us, that you consider unpaid advice to be worth very little?—Yes.

3664. On all occasions?—I would not say that; I think the honourable Member's advice was very valuable, although it was not paid for.

3665. Lord *John Manners.*] Would you say unpaid professional advice?—Exactly; that marks the distinction.

3666. Mr. *Beresford Hope.*] Does not that distinction lead to the chance of a certain amount of invidiousness as to what is professional advice; there is a stage in the life of professional men when they retire from the active pursuit of their profession, and occupy a semi-amateur position. Do not great lawyers, great physicians, great artists, great men in every branch, after they have obtained a certain degree of eminence, and the solid results of eminence, take up a semi-amateur position?—I have not much objection when they get into that semi-amateur position to not paying them, but I should prefer to pay them.

3667. *Chairman.*] The line might be drawn at their practising, perhaps?—Perhaps it might.

3668. Mr. *Beresford Hope.*] You see many great societies, do you not, which are worked by men whose time is still their money, and who yet give up some of that time to objects which they think useful?—There is a great difference between that kind of work and public responsible work.

3669. But, assuming that the council is not responsible, but is acting behind the ægis of the Minister of Public Works, would there be any objection to their being unpaid?—I really do not think the taxpayers would have to pay such great sums for the advice, that it is worth any consideration.

3670. If there was a remuneration either obligatory or optional to its members, your objection to the council would, to a certain extent, be removed, would it not?—Yes; I think any council will be all the better for being a paid council, but I see no objection to any modification of the principle, if it is for any reasons thought desirable.

3671. Council or no council, the keystone of the structure must be Ministerial responsibility and a strong department, must it not?—Certainly.

3672. *Chairman.*] The instance of the barracks that has been cited, is an additional reason, is it not, for some control?—I think so.

Monday, 28th June 1869.

MEMBERS PRESENT:

Mr. Bentinck.
Mr. Buxton.
Mr. William Cowper.
Lord Elcho.
Mr. Gregory.
Mr. Beresford Hope.
Mr. Alderman Lawrence.
Mr. Layard.
Mr. M'Clean.
Lord John Manners.
Mr. William Henry Smith.

LORD ELCHO IN THE CHAIR.

Mr. WILLIAM CORRIE, called in; and Examined.

Mr. *W. Corrie.* 28 June 1869.

3673. *Chairman.*] I BELIEVE you are the City Remembrancer?— That is my office.

3674. And you come here to tell us the way in which matters affecting public works and buildings are managed in the City?—Yes. I understood the Committee desired my attendance.

3675. Will you kindly state to the Committee generally how they manage these things? —There are two standing committees, among other standing committees of the Corporation; one called the Improvement Committee, and the other the Bridge House Estates Committee; and according as these improvements are general improvements, or relate to the erection of bridges, they are referred to the consideration of these respective committees.

3676. How are these committees appointed? —They are appointed by the Court of Common Council. They are appointed each year; that is to say, a number go out every year.

3677. Are they appointed by vote?—By vote.

3678. Do the persons present themselves as candidates for appointment, or are they merely selected?—There is a sort of understanding who are the better men, I suppose, and they are proposed. You may object to one name and propose another, just as in the House of Commons.

3679. Are there no *ex officio* members? — There are no *ex officio* members except chairmen of other committees. They always have a number of aldermen and common councilmen on each committee, and on the Improvement Committee, and the Markets Improvement Committee, four chairmen of other committees, and the chairman of the Commissioners of Sewers. The chairmen of these two committees may be considered as standing chairmen, having each served many years.

3680. Is there any special selection; do you put any engineers on the committee, or architects?—Sometimes a member will be selected especially to be put on a committee from his peculiar knowledge; and perhaps an architect might be chosen in that way. Then this committee having any given work, whether it is a new street or whatever it may be, frequently issue notices for plans to be submitted to them. I may mention, that in the case of the Holborn Viaduct they gave prizes; 250*l.* for the best plan selected, and 150*l.* for the second plan. In the cases of bridges a different course was taken. I am not able to say what was done in the case of London Bridge.

3681. In regard to the Holborn Viaduct, had the Bridge Committee anything to do with it?— Nothing with that; the General Improvement Committee have that under their management.

3682. So that their provinces are quite distinct?—Yes.

3683. And the Bridge Committee is confined to water bridges, I suppose?—Yes.

3684. And has not reference to bridges across roads or viaducts?—No; that name of the Bridge House Committee probably arises from the fact, that there are considerable estates called the Bridge House Estates, which were originally intended for the erection and support of London Bridge; and as the property has increased in value, they have been applied to make other improvements. I may mention perhaps in passing, that they were used to purchase Southwark Bridge, the iron bridge, which was erected by a public company a good many years ago, and which proved rather a failure. The corporation purchased that out of the Bridge House Estate, and threw it open to the public, toll free.

3685. What do you mean by the Bridge House Estates?—There are estates which were originally intended for the purpose of keeping up London Bridge; but as I have mentioned, the estates have increased in value, and, after paying all the expenses of erecting that bridge, they have been applied to other like purposes, such as the new Blackfriars Bridge: all these applications of the Bridge House funds have been under Acts of Parliament.

3686. Are we to understand that this Bridge House Estate Commitee was a committee originally constituted, not for the erection of bridges, and looking after their mechanical construction or artistic form, but for the management of certain property connected with the bridges?—And keeping the bridges in repair.

3687. Originally was that so?—That may be going back for ages.

3688. I thought it arose from the time of London Bridge?—No.

3689. It is a very ancient committee?—A very ancient committee. I may point out that when it became necessary to build that new London Bridge, it was referred to the Bridge House Committee to consider the subject, and under their superintendance it was erected. In the

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case of London Bridge, there seems to have been rather more superintendence than there has been latterly; I mean of the Government and Parliament. The bridge was erected under an Act of Parliament, the 4th Geo. 4, c. 50; and I find that the fourth section states, that "the bridge is to be erected and built of the best granite stone, and other durable materials; with five arches of such height, width, and dimensions, as are shown by the model, and the plans and specifications, as far as they relate to the construction of the bridge itself, designed by the late John Rennie, Esq., civil engineer, as exhibited to the Committee of the House of Commons, and deposited at the Office of Works at the Guildhall of the City of London." Then there is a provision, that if the Mayor, Aldermen, and Commons of the City of London think that any alteration should be made in the plan, or that a bridge should be constructed upon any other plan, an approval of the same shall be certified in writing by the Commissioners of the Treasury; and if they get their consent it may be altered. So that it seems that Parliament determined the form and the materials of which it should be built at that time, with power to make an alteration.

3690. You say that the consent of the Treasury was required to any alteration?—I can only guess the reason, for this consent being required was because the Treasury advanced considerable sums of money upon the security of the Bridge House Estates. Then, as connected with London Bridge, very great improvements were made in the City; they are specified in the various Acts of Parliament. There is the 10th Geo. 4, c. 136, 2nd Will. 4, c. 23, and the 4th Will. 4, c. 13, extending the approaches; and what are called the "approaches," were really laying out anew one part of the City; for they extend from London Bridge up King William-street and Princes-street, and Moorgate-street, going really through the City; they were called approaches, but they were really great improvements.

3691. Those were done by the general Improvement Committee in connection with the Bridge House Committee? — Yes; and your Lordship will remember the broad open streets that there are all the way from London Bridge till you get out of the City at Finsbury-square; it has quite altered the face of the City from what it was prior to the alterations. Perhaps I might mention here, with reference to the elevations of the various houses, the check which the city keep upon that. They grant leases, but they do not grant the leases except they have the plans submitted to them as to what is to be built there. Then, having approved the plans, they grant the leases; and having granted the leases, when the houses are erected they sell the ground-rent.

3692. That is on the property that they require for improvement purposes?—Yes. Then I may perhaps just run through the great improvements that they have made in the City of late years; I have mentioned those streets which made the City in that part of it almost new.

3693. You have a City architect, I suppose?—Yes.

3694. And are the plans for these new streets drawn by the City architect; that is to say, where you make a City improvement and open up a new line of roadway or street, the City acquires the land; does the City architect draw the plan of the buildings that are to be erected, or have you competition, or do those who take the ground submit plans?—I am not aware of any competition with regard to a street; with regard to the Holborn Viaduct there was a competition; in the case of houses I think that they would rely on their own architect for the time being.

3695. So that all builders would take the plan laid down by the City corporation, and build to that plan?—Yes.

3696. Have you a City clerk of the works?—That office is contained in the architect's office.

3697. What is the name of the architect?—Mr. Horace Jones.

3698. Is he salaried, or paid by the job?—He is salaried; so much a year.

3699. And what do his duties mainly consist in; are they the duties of a designer, or of a surveyor?—Partly of a designer; I have here the design made by him for the continuation of the streets leading to and from the Viaduct. I could show the Committee, if they desire it, what he requires to be built there.

3700. Mr. *Beresford Hope.*] Does he do all his works on salary?—Yes.

3701, Even such exceptional works as the restoration of the Guildhall?—Yes.

3702. Mr. *M'Clean.*] And Smithfield Market?—Yes.

3703. Mr. *Beresford Hope.*] And temporary decorations for great feasts?—Those he also superintends.

3704. *Chairman.*] And he is the surveyor, too?—Yes; he used to be called some years ago surveyor, I believe; but he is now called an architect, surveyor, and clerk of the City works.

3705. Mr. *Beresford Hope.*] I believe that he succeeded Mr. Bunning?—Yes.

3706. *Chairman.*] What salary does he get?—£. 1,500 a year. Then the next improvement that I have to mention is this: the new meat and poultry market on the site of old Smithfield. In the Act of Parliament under which that was erected there was no check whatever: the Corporation had full power to erect it in any way that they pleased. I mention it, that there was a sort of check in the case of London Bridge, because the material is mentioned in the Act, and a model; but in the case of this market it is not so.

3707. That new meat market was made under an Act of Parliament, you say?—Yes, the 23 & 24 Vict. c. 193, which was passed in the year 1860.

3708. No drawing for that was submitted, or plan or model?—No; I have the Act of Parliament before me, and it is quite general; it is to be erected as the corporation think fit.

3709. What were the powers acquired; were they to purchase property, or to clear ground?—To purchase property and to clear ground. A good deal was cleared previously; it was to acquire other ground that was not cleared.

3710. Have you always to come to Parliament for the new streets that you make?—We must come to Parliament necessarily.

3711. You have no general power?—We have an Act of Parliament, called the City Improvement Act, originally passed for widening and improving Cannon-street, making a new street from the West end of Cannon-street, and for effecting other improvements in the City, and which we embody in all private Acts that we pass, and under which we have very extensive powers, much

much more so than are generally obtained by persons who are making public improvements.

3712. What is the date of that Act?—The 11 & 12 Vict. c. 280, 1847. Under that Act we had power to take a very considerable extent of property, more than was actually required for the streets.

3713. To recoup yourselves?—I do not know whether it was to enable us to make more advantage of the frontage; I am afraid that we do not make much profit; I believe that might have been one of the objects of the Act; but the result is this, that we are able to have much better houses built and much more extensive premises behind in consequence of taking the whole property behind the principal streets. Your Lordship will know that street in Southwark made by the Board of Works; they have very small spaces of ground taken there, and I think they have had considerable difficulty in consequence of not having more power to take property.

3714. You know the relative powers of the Metropolitan Board of Works and the City?—Yes.

3715. Do you consider that you have more power under that Act than the Metropolitan Board of Works have under theirs?—Yes; they might extend theirs when they come for improvements, but we always take those powers; and looking at that street in Southwark in passing along I think it would have been better for them if they had had more power.

3716. You think that your powers under this Act are wider than theirs?—Yes; but Southwark-street is made under a special Act, not under any general Act of the Metropolitan Board of Works.

3717. Lord *John Manners.*] Are your general permanent powers larger than the general permanent powers of the Metropolitan Board of Works?—You will observe that this is with reference to improvements; and, supposing that we are making a new street, we certainly do take very large powers, larger than, so far as I am aware, the Metropolitan Board of Works ever have taken; but there was nothing to prevent the Metropolitan Board of Works applying for larger powers if they had thought fit to do so.

3718. Mr. *M'Clean.*] It depends upon the plans deposited, does it not?—No, not upon the plans; there are no plans deposited as to the class of houses.

3719. But as to the extent of the ground there are?—Yes.

3720. Lord *John Manners.*] I think you gave evidence on this point at some length before Mr. Ayrton's Committee?—Yes.

3721. You can knock houses down off the corners of the street ——, and so on?—That is a different power.

3722. *Chairman.*] Have you a copy of your General City Improvement Act which was passed in 1847?—No; but I think I have explained the nature of it; it may be considered a sort of Lands Clauses Act for the City.

3723. You require for every special improvement a special Act?—We must have a special Act.

3724. And that special Act in its provisions is in the main ruled by the general Act of 1847, the City Improvement Act, to which you have just referred?—Yes.

3725. Lord *John Manners.*] Have you no power of dealing with houses which interfere with the lines of streets except by special appeal to Parliament?—The power that we have is exercised by the Commissioners of Sewers; they may take down houses under their own Act of Parliament under the Sewers Act. Before the other Committee I stated the respective powers of the two bodies, the Sewers Commission and the Metropolitan Board of Works, showing that the Commissioners of Sewers have more extensive powers than the Metropolitan Board of Works.

3726. *Chairman.*] Then you have another body besides your corporation committees, which has the power of dealing with houses in the City, and that is the Sewers Commission?—Yes.

3727. Is that confined to the City, or is it in common action with the Metropolitan Commissioners of Sewers?—No, it is confined to the City. Their duties are first of all to manage the sewers; then (most important perhaps of all), the management of the streets; and in that Act of Parliament there are the powers to which Lord John Manners alluded of taking down houses and improvements of that kind, but not to make a new street.

3728. Then how are your questions of sewerage arranged with the Metropolitan Commissioners of Sewers, because their sewers must necessarily communicate with yours, must they not?—They communicate with their main sewers; there is a main sewer running through the City, and our intercepting sewers run into it.

3729. Had your commission anything to do with the main sewer that runs through the City?—No, it was the Metropolitan Board of Works who planned it.

3730. They have power under their Act to run their main sewer through the City?—Yes.

3731. Irrespective of any action on the part of your own special commission of sewers?—Yes.

3732. Mr. *W. Cowper.*] In regard to sewers, the Sewer Commission of the City of London stand in the same relationship to the Metropolitan Board of Works that any district board or vestry in London stand to them?—No, because they have no power at all of interfering with us as they have with the district boards. We are absolute with regard to our own powers in the City.

3733. But you have no control over the main sewerage but only over the subsidiary sewerage?—Yes.

3734. And in that respect you resemble the other divisions of the metropolis?—So far as the main sewer is concerned; but with regard to the other divisions of the metropolis the Metropolitan Board of Works could take the management of any particular district entirely into their own hands if they thought fit so to do.

3735. *Chairman.*] What is the next point; anything further to say, have you, as to the market?—I think I have said all I have to say on the subject of the market.

3736. You say that that was entirely done by the City; that Parliament passed the Act empowering the City to make this market without seeing any plans of any kind?—Yes.

3737. They merely gave the powers which they required to acquire land for a certain purpose, leaving them to exercise those powers in any way they chose as to the amount of land they took or the form of building to be erected on the land?—Yes.

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3738. What steps were taken by the City in reference to that market?—In that case they placed it entirely under the superintendence of their own architect, Mr. Jones. He sent plans, and they approved those plans, and he has carried out the work.

3739. In getting that Act, who undertook that; was it the City General Improvement Committee?—No, another committee; a committee called the Markets Improvement Committee.

3740. Then, had the General Improvement Committee nothing to do with that market?—No.

3741. Why did you think it necessary to appoint a special market committee if you already had an improvement committee?—There are numbers of markets. The great cattle market belongs to the City, and they have several other markets; Billingsgate Market, for instance; but, in addition to that, there is a Markets Improvement Committee, as distinguished from the General Improvement Committee, and it was the Markets Improvement Committee who carried out that work of the new market.

3742. Have you any other special committees for improvements?—No; I think that is all. There is the Improvement Committee and the Markets Improvement Committee.

3743. May I ask what is left for the Improvement Committee if all the markets and the bridges are taken out of their jurisdiction; are their improvements confined to streets?—Streets, and such matters as the Holborn Viaduct; they have conducted that.

3744. Any public building, such as the Exchange?—There is another speciality. Mr. Tite, a Member of this Committee, was the architect of the Royal Exchange, but that was erected partly by the Corporation, and partly by the Mercers' Company.

3745. That is another committee?—That is another corporation altogether; they and the City united in building the Royal Exchange.

3746. To return to this market. This market, you say, was erected by a Market Improvement Committee, who had erected, previously, other markets?—And they had superintendence of all the new markets.

3747. What was the date of the creation of that committee?—I cannot speak as to when it was created.

3748. Was it prior to your General Improvement Committee?—I should say not. I should think the Improvement Committee would be in existence before.

3749. Mr. Alderman *Lawrence.*] This Market Improvement Committee would be appointed at the time of the removal of Smithfield Market?—I cannot say that.

3750. *Chairman.*] Do you know the date of the appointment of this General Improvement Committee?—I should think 40 or 50 years ago at all events. In connexion with this market there had been considerable improvements carried on in the streets. I do not know whether the Committee remember the state of Farringdon-road many years ago. It belonged, at that time, to the Commissioners of Woods and Forests. Farringdon-road runs now to the Great Northern Railway. There was great difficulty in carrying it out, and ultimately the City undertook the management of that road; and then, in connexion with that improvement several streets have been made. There is a street by which you can go now from Holborn to the new market with very fair levels.

3751. That is to say this new market required approaches?—Yes.

3752. By whom were those approaches made?—Those were made by the Improvement Committee, and they assisted in making the streets.

3753. Did the approaches come under the Act?—No, they did not come under the same Act.

3754. You say that the Improvement Committee assisted in making the streets; I thought all streets were necessarily under the management, and were made by the General Improvement Committee?—There was a joining of the streets with the market, and, according to my recollection (I am not quite positive), I think that the two committees met and discussed the matter, and it was carried out by the Improvement Committee.

3755. There they required to meet together and consult, because each have separate powers, and it was necessary that these powers should combine to do what was wanted?—Yes, that was so.

3756. Now, as this Market Committee which erected this market, how is that constituted; is it constituted at all with reference to persons of knowledge of architecture, whether surveyors or architects, or are persons in the City known to have taste in these matters, specially selected?—No.

3757. Then, how are they selected, and what is the qualification to be a member of the Market Committee?—He must be a member of the Court of Common Council, and elected by that body into the committee; but I should have mentioned that there is always a superintending power in the Court of Common Council, because no works are carried out until the committee have made a report to the Court of Common Council, and then that Council approves. In the case of the Holborn Valley, and in the case of the bridges, they had drawings hung up for some weeks.

3758. Let us keep to the market at present, and trace how that has been erected. A market is wanted; powers are wanted to obtain land and to get rid of houses to make the market; an Act of Parliament is got for the purpose, which does not touch the question of design in any way. The Act of Parliament having been got through the agency, I suppose, of the City, and the Market Committee, plans are advertised for, are they?—It varies. In the case of the market they did not advertise for plans; the Corporation instructed their own architect to lay designs before them, and they adopted his designs.

3759. At the request of the Markets Committee?—The Markets Committee bring up the report as to what they think ought to be done; the designs are hung up in a room at the Guildhall, so that all the Corporation may see them; then the report is discussed, and it is adopted or referred back for further consideration, as the case may be, and then the committee are ordered to carry it out.

3760. Then by whom is the architectural part of the design and the general design decided?—By the body of the Corporation.

3761. Do they appoint any special committee for the purpose?—No; this special committee is the Markets Committee in that instance. They bring

bring up the report with the drawings prepared by the architect and the Court consider whether they are satisfactory.

3762. Did the Court refer them to the General Improvement Committee?—No.

3763. So that the General Improvement Committee, as such, had no voice except as they happened to be members of the Corporation as to the architectural elevation of that building?—No, it is the judgment of the whole body of the Court.

3764. Is it by vote, or how was it settled?—It is settled by vote; if there is any dispute a division takes place.

3765. Was there a division upon that?—I am not aware.

3766. And were there a variety of the plans submitted?—Only the architect's plan in that case.

3767. Now, will you take the Holborn Viaduct?—The Holborn Valley Act was obtained in the year 1864, and the provisions of that Act, the powers to the Corporation were quite general; there was no check upon them. The course which the Corporation adopted there was to issue advertisements calling for plans for this work, or rather the Improvement Committee under the orders of the Corporation did so.

3768. It was the Improvement Committee who took action in the Holborn Valley?—Yes; first of all they obtained the Act of Parliament which I have before me which is general, but it shows that at that time before they went to Parliament they had obtained the plans in the way that I mentioned. Advertisements were issued, and they offered rewards of 250 *l.* to the most deserving plan they selected, and 150 *l.* for the next, and there were a great many competitors.

3769. Were they bound to employ any of the successful competitors?—No; but it so happened that the successful competitor was an officer of the City, at least of the Commissioners of Sewers, Mr. Haywood. His plan was adopted which I have here.

3770. Lord *John Manners.*] He was the engineer to the City?—To the Commissioners of Sewers; I happened to be present at all these proceedings. The plans were produced to the Committee of the House of Commons that sat upon the subject, and they are carried out just as they were laid before the Committee.

3771. In that case the design was submitted to Parliament?—Yes, but they are not compelled to adopt it in any way. They did it to inform the Committee what they proposed doing. The Committee did make certain suggestions as to what was to be done, and those were, I believe, attended to by the engineer who carried out the works.

3772. Suggestions as to what?—One of the Members of this Committee rather objected to some steps that there were going up to the viaduct, but I rather think that they were suggested by Sir David Dundas, who was Chairman of the Committee, as a great improvement for the accommodation of the public. The Act of Parliament says that "the mayor, aldermen, and commons, may deviate from the line of any work delineated on the deposited plans within the limits of deviation defined on those plans"; and there is no specification there, as there was in the case of London Bridge, of the material of which it is to be built. It is built of granite, a good deal of it.

3773. Have you the plans that were submitted to the House of Commons?—Mr. Haywood has been here this morning, and he says that this was carried out just as he proposed it to the Committee (*producing a plan and explaining it to the Committee*).

3774. *Chairman.*] Have you anything more to say about the Holborn Valley Improvement?—No.

3775. What steps were taken with reference to the Ludgate-hill Bridge; how was that made?—That, you are aware, is a point of very considerable difficulty. The Blackfriars Bridge and the Ludgate-hill Bridge are very much mixed up together. You know that exception has been taken to those two bridges being so close together.

3776. You mean the bridges over the Thames?—The Blackfriars Bridge and the railway bridge. I should wish to call the Committee's attention to the Act under which the London, Chatham, and Dover Bridge, which goes by the side of Blackfriars Bridge, was made; and I should call the attention of the Committee to the fact that the two railways, the railway on the north and the railway on the south, had been made before they thought of going across the Thames. The Act of Parliament recites there that it "would be of national importance and a great public and local advantage" to make this communication. Therefore the first and great object seems to have been "to insure speedy and uninterrupted communication between London and other parts of England traversed by the railways of the company, and the railways communicating or which will communicate therewith, and the continent of Europe." Now, with regard to these two bridges being erected close to each other, they were not so erected without full consideration.

3777. Which was first in the field?—They seem to have been in the field about the same time. The Act of Parliament for making of the London, Chatham, and Dover Bridge passed in the year 1860; the other bridge in 1863, as I have pointed out; but I ought to point out to the Committee that there was already a bridge there; the Blackfriars Bridge did exist, and the railway company came to make their bridge by the side of it. Supposing there had been no new Blackfriars Bridge the same objection would have existed, which exists now, to the two new bridges together.

3778. Although the Act was only got in 1863 for the new Blackfriars Bridge, when was it determined that a new one would be required?—The year before, I think, namely, 1862.

3779. Was it only known in the year before that the state of the bridge was such that it would require to be renewed?—The Corporation were discussing whether it was necessary to make a new bridge, or to repair the old one; they ultimately determined, in 1862, to have a new bridge; and in 1863 the Act of Parliament was passed, and in 1864 the foundations were laid.

3780. It was in an unsafe condition, was it not?—Yes.

3781. And had it been long in that state?—That I am not able to say.

3782. At any rate it was known some time before that something must be done; that it must be either repaired or renewed?—Yes.

3783. At the time that it was determined to renew

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renew it the railway had then got its Act?—Yes; the railway company got their Act in 1860.

3784. Then it was too late to combine, or do you believe that the two might have been in any way combined then?—It seems to have been discussed, because Mr. Fowler, who was one of the engineers who sent in plans for the new Blackfriars Bridge, makes this observation in his report, showing that it was done after due consideration: "I have considered with great care the question of the London, Chatham, and Dover Railway Bridge in connection with the proposed new Blackfriars Bridge. It is to be regretted that the position of the two bridges with reference to each other is not more satisfactory, but the objects of each party seem to have left no alternative, and certainly cannot now be altered; and I do not think that any mode can be adopted for any connection between the two works beyond a provision, which of course will be made, for insuring the piers of the two bridges being constructed exactly in the same line."

3785. What is the date of that?—1861.

3786. After the Railway Act was got?—Yes.

3787. What is that report?—I should state that when the Corporation determined to erect the new bridge they consulted all the most eminent engineers, and asked them to send in plans. Mr. Fowler, Mr. Page, Mr. Hawkshaw, Mr. Barlow, Mr. Bidder, Mr. Mylne, Mr. Brunlees, Mr. Rennie, Mr. Brereton, Mr. Greenhill, Sir John Rennie, and Mr. Joseph Cubitt were all consulted upon the subject, and they all made reports to the Corporation; and I find that passage which I have just read in the report of Mr. Fowler.

3788. And was it pointed out to these engineers that part of the design should be a combination of the two bridges?—I infer that.

3789. Have you there the letter that referred this question to the engineers that you have named?—I do not find the letter; but the question of a combination seems to have been considered.

3790. That reference was made to the Bridge Committee, I suppose?—Yes. These designs were all submitted to the Corporation before being finally approved. I find in Mr. Mylne's report (a like report to that which I have read from Mr. Fowler) this: "I have not thought it desirable to submit any designs for the combination of the above-named descriptions of traffic; because, in the first place, the communication I received from your honourable Committee does not allude to its desirability; and, in the second, because I myself have great doubts whether such a combination, under the circumstances, would be advisable. It would hardly be possible to execute a stone bridge of sufficient strength to carry the two descriptions of traffic without increasing the number of the piers beyond those indicated. A cast-iron railway bridge might be more easily erected by the side of an ordinary road bridge than a stone one would be; but the details of the construction would forcedly differ so much in the respective traffic portions as nearly to annihilate the assumed advantage gained in the construction of the piers. It is true that at Liege, Dresden, Cologne, &c., bridges have been erected to carry both railway and ordinary traffic; but in those towns the movement of the trains is insignificant compared with the movement which would take place in London; yet, even in them, there is found to be great practical inconvenience in the combination." So that you see the subject was considered at the time by these various gentlemen.

3791. Did the Corporation appear in 1860 before the Committee which granted this line of rail to the Chatham and Dover Company?—Yes.

3792. What were the grounds of their appearance; were they opposing the line?—They appeared and they obtained a clause with reference to that Ludgate-hill Bridge.

3793. Did they appear at all with reference to the bridge across the river?—I am not able to say. They do not seem to have succeeded in obtaining anything if they did. In the London, Chatham, and Dover Act, which I think I have mentioned, the 23 & 24 Vict. c. 177, in the 73rd section, there is this provision which must have been inserted at the request of the Corporation: "In crossing all streets or public ways, courts or alleys within the City of London and liberties thereof, the railway shall be so formed as to leave a clear and open space for such streets or ways, courts or alleys, and all the arches underneath the railway shall span across the whole width of the respective streets or public ways, courts or alleys which the railway may cross, so that no part of the abutment, piers, or any other obstruction shall stand or encroach upon any part of the carriage or footways, and the forms and elevations of the said arches shall be approved of by the Commissioners of Sewers of the City of London and the liberties thereof."

3794. Why by them?—They have the management of the streets, and they had to take care that there was no obstruction in the streets.

3795. Then their approval would be simply as regards questions of obstruction, not as regards form?—Yes, as regards form and elevations at least; they did approve of the one that is there, and I believe that it is considered the best railway bridge that has been erected.

3796. But, as regards the bridge across the river, there was no power of control of any kind?—As far as regards the bridge across the river, that seems to have been placed in the hands of the Admiralty.

3797. There was nothing in the Act giving the Corporation the same control over the railway bridge across the river that they have in the passage which you have read with regard to the bridge across Ludgate-hill?—No; in the 59th section of the same Act the marginal note is "working drawings of bridge to be submitted to the Admiralty;" and the section is this: "Previously to commencing the bridge across the River Thames or the works connected therewith, the company shall deposit at the Admiralty Office plans, sections, and working drawings of the said bridge and works connected therewith, for the approval of the Admiralty, such approval to be signified in writing under the hand of the secretary of the Admiralty, and such bridge and works shall be constructed only in accordance with such approval." So that they seem to be the only parties who had a veto upon the mode in which that was to be constructed.

3798. Had the Admiralty the same power over the construction of London Bridge?—No, they do not seem to have had that; that seems to have been entirely with the Corporation.

3799. How does it happen that the great powers which they have in this case have been given them, and not in the case of London Bridge?

Bridge?—That I am unable to say; one was dealing with a railway company, and the other with the Corporation. They might have more confidence in the Corporation than in a railway company.

3800. Blackfriars is higher up the river than London Bridge, so that one would imagine that the Admiralty would endeavour to have almost more power over London Bridge than over Blackfriars Bridge?—There does not seem to have been any veto at all except by the Treasury, as far as London Bridge was concerned.

3801. Lord *John Manners.*] Is there no power reserved to the Thames Conservancy in that Chatham and Dover Act?—There must be some approval of the Thames Conservancy. I find in the 60th section that the Admiralty had full power also over the position of the bridge; that it should be constructed by the company in such a position and in such form as the Admiralty might determine.

3802. Mr. *Gregory.*] How far does the Admiralty jurisdiction extend?—I should not have thought that they had any jurisdiction there at all. Then there is another section, section 63, which says that "The bridge for the purpose of carrying the railway across the River Thames shall be executed according to a plan and elevation and upon a site to be approved by the conservators of the River Thames, and deposited at their office: and the works in the River Thames and adjoining thereto shall be executed and performed to the satisfaction of the engineer for the time being of the conservators" of the Thames.

3803. *Chairman.*] Is there any connection that you know of between the Thames Conservancy and the Admiralty?—Yes. The Admiralty appoint two of the conservators, and the Board of Trade one.

3804. Then the Board of the Thames Conservancy is partly composed of persons nominated by the Admiralty?—Yes. Therefore I am afraid that if there is any blame in these two bridges being erected so close together, it must rest with the Admiralty. However, probably it was found impossible to erect them in any other way. Mr. Fowler says that he does not think it possible.

3805. But when that letter of Mr. Fowler's was before the authorities and the letter of Mr. Mylne, then the powers were already granted to the railway company?—Yes, they had been granted.

3806. And it was an appeal *ad misericordiam* on the part of the City; you had no power of controlling the company?—No.

3807. But the City merely asked them whether so-and-so could not be done, and they might or might not refuse it; the City could exact nothing?—They could not exact anything.

3808. With regard to the Ludgate-hill bridge made under the powers given in that Act, was the design of it approved by the Improvement Committee?—No, by the Commissioners of Sewers.

3809. Had the Improvement Committee nothing to do with it?—No, not that I am aware of. "You may build it in such a way and no other way," the Commissioners said.

3810. It was not subsequently submitted to the Improvement Committee before it went to the Corporation as a whole?—No. I cannot myself see any great objection to that bridge; it does not prevent any view of St. Paul's.

3811. Is there any other public improvement to which you have to refer?—No, I think not. But if your Lordship will just allow me, I will just run through these bridges and point out what different authorities they have been erected under. We start with London Bridge. That was erected by the Corporation.

3812. With a money veto on the part of the Treasury?—That they could not alter it except with the consent of the Treasury. Then you come to Southwark Bridge. That was erected by a company for their own profit.

3813. But did they submit the design of Southwark Bridge to anybody?—I am not aware. They must have submitted the design to a Committee of the House of Commons.

3814. But had this Bridge Committee, which has existed as you have said for so long, nothing to do with Southwark Bridge?—I believe not. You will remember that it was erected by a company. I am not aware that the Bridge Committee had anything to do with it. Then you come a little lower down and find Blackfriars Bridge again erected by the Corporation. Then you come to Waterloo Bridge, one of the most beautiful bridges. That was erected by a company. Then you come to Westminster Bridge, which was erected by the Government; so that you have all sorts of authorities in erecting the bridges; and perhaps the bridges are all good ones.

3815. Have you anything more than these improvements to mention?—No.

3816. Then, practically, we find this state of things in the City; that you appoint a General Improvement Committee, but that besides that General Improvement Committee, you have a Bridge Committee, you have a Markets Committee, and a Sewers Commission, and that each of these authorities is independent of the other?—They are all dependent upon the Corporation.

3817. But independent of each other *qua* Committees and Commission?—Yes.

3818. That is to say, the design of this railway bridge across the river at Blackfriars, was not submitted to the Improvement Committee; it went before the Bridge Committee?—Yes.

3819. The continuation of that line of rail across Ludgate-hill, which was on an iron viaduct, did not go before the General Improvement Committee, but for some reason or other before the Sewers Commission?—Yes, because they have superintendence over the streets.

3820. The new market that was made went before the Markets Improvement Committee?—Yes.

3821. And did not go before the General Improvement Committee?—No.

3822. But there were streets and approaches to it which required the assistance of the General Improvement Committee, and so far the General Improvement Committee had a word to say in the general arrangements?—Yes.

3823. Designs of houses apparently are, to a certain extent, regulated by two bodies, by this General Improvement Committee, and by the Sewers Commission also?—Not the designs of the houses. When they are going to make a new street, it is entirely the Improvement Committee

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mittee. The Sewers Commission interfere with old existing streets.

3824. Do you not think that it would be better if there were one body regulating these matters instead of several in the City?—I consider that there is only one body, because all these committees only work up to the Common Council who ultimately decide these matters.

3825. But if you have a general improvement committee, of which the members are selected specially with a view to their aptitude and knowledge of these matters, which does not decide on this question of a bridge across Ludgate-hill, but leaves it to be decided by the Commission of Sewers, who have only to do, you say, with old streets; does not that seem inconsistent?—Probably it did not occur to the Corporation, or they might have put it under the superintendence of the Improvement Committee. I am not aware how it was. It was in the year 1860 before I had anything to do with the City. It would seem rather to lie under the care of the Improvement Committee.

3826. We will assume, if you like, that the thing does work well; but theoretically it seems somewhat indefensible, does it not, to have this variety of committees for matters of improvement; one committee to decide upon the bridge across the river, and another body to decide upon the bridge across the street, and that body not the Improvement Committee but the Sewers Commission?—With that exception I do not see any great difficulty in the matter. That might be an oversight; but in all the other cases these committees were only to prepare the plans, as it were, for the consideration of the body of the Corporation, who then considered the whole matter.

3827. I suppose that they are very much guided by their architect?—I think that it is their own general taste rather than the architect. They would overrule his judgment, perhaps, in some questions.

3828. Do you think that it would be desirable, if possible, to establish some control over all these public works in the metropolis, bridges, or railways?—I have rather indicated my opinion that they seem to have been all very well done, and that I do not see any great necessity for any other superintendence.

3829. Do you think that all the bridges and viaducts that one sees in the metropolis (I am not talking merely of the City, which is only a portion of the metropolis) are satisfactory?—If you mean those numerous bridges over the streets, on the south side of the Thames, I think that they are anything but satisfactory.

3830. And how far these two bridges across the river will be satisfactory when the scaffolding is taken away remains yet to be proved?—I have been led to arrive at a favourable conclusion by looking at some of the other bridges; the levels are not the same in the other bridges, and yet they do not look very bad.

3831. You do not think that any change is required, whether within the precincts of the Corporation or without?—I think that the great change needed is to improve the taste of the public, because it is the public taste after all that settles these matters.

3832. How would the public taste, even if it were as perfect as possible, affect the question of these railway bridges, where the engineers look to construction and economy, if that public taste has no public means of expressing its opinions, and controlling the acts of the railway companies and the engineers?—You will observe that each of these works must be brought before a Committee of this House; and, as far as I have seen, Committees pay great attention on these matters; and they have persons of taste to advise them.

3833. But as they are appointed simply with reference to finance and the necessity for the work, and the general construction of the line, how would an improvement of taste on the part of the public affect the question?—I was, perhaps, rather thinking of ourselves; that we have a large managing body, and as the taste of the public generally improved, the taste of that body would be improved.

3834. Supposing it were thought that upon the whole it was necessary and desirable that there should be some consulting body in the metropolis on such matters, would you consider, in the event of such a body being formed to advise the Minister who had charge of Government works, that it would be at all derogatory to the City if the City had to send a representative to such a body?—No, certainly not. I think that would be rather a compliment to them than otherwise.

3835. Mr. *Beresford Hope.*] May I ask what body in the City has charge of your existing public buildings, the Mansion House and Guildhall, for example?—There is another committee, called the City Lands Committee. That is the committee that has care of all the estates of the Corporation, except the Bridge House Estates.

3836. Would the City Lands Committee, then, carry out the internal decorations that have been made from time to time in the Mansion House?—I should think that it must have been the City Lands Committee, but I am not quite sure.

3837. Is the City Lands Committee, like the other committees, composed of a certain number of aldermen and common council men?—Yes.

3838. Which of the committees had charge of the great works that have been done at the Guildhall?—There was a special committee appointed for that purpose, called the Guildhall Improvement Committee.

3839. And if the last scheme that we have heard of, of re-building the exterior of Guildhall, were it to be carried out, it would be carried out by this special committee?—That would be for the Corporation to determine.

3840. Your City architect has, for his salary, to regulate and take the orders of all these respective committees?—In such a work as the Guildhall improvement he has.

3841. And the Sewers Commission?—He has nothing to do with the Sewers Commissioners; they have an officer of their own, called the engineer.

3842. Do you mean that where the Sewers Commission begin building houses, they put the designs of them in the hands of their surveyor?—The Sewers Commission never build; they knock down houses.

3843. They build bridges, do they not?—No.

3844. They sanction bridges, as you have told us, in the case of Ludgate-hill?—In that single instance of the bridge over Ludgate-hill they did, but that, I think, was more with reference to the fact that they were to take care that the streets were kept clear.

3845. *Chairman.*] But is not that bridge across

across Ludgate Hill the most important of all the railway bridges that have been made in the metropolis?—Yes.

3846. Therefore would not one imagine that that that specially would have been referred to whatever Committee you had that regulated these matters of taste, your Improvement Committee or some other committee?—The Sewers Commission is a very numerous commission, I should mention, consisting of about half the Corporation.

3847. Mr. *Beresford Hope.*] The Holborn Viaduct was designed by Mr. Haywood, the engineer?—Yes, it was.

3848. Was his design submitted to any architectural authority, or only to the committee?—Only to the committee and the Corporation.

3849. But at the same time it is a building which has a good deal of architectural character about it, with its piers and decorated pillars?—Yes.

3850. The Corporation, then, has no architectural adviser to report upon the work of the engineer that they may employ?—Unless they choose to take the advice of their architect; but I think that the engineers who built these bridges would not have submitted to have their work considered by the architect. I may add that Mr. Haywood was a student in architecture at the Royal Academy, and he has exhibited drawings there. He built the chapels and lodge at the City Cemetery. His Viaduct must speak for itself.

3851. Who designed the new Blackfriars Bridge?—Mr. Cubitt.

3852. Unassisted, as far as you are aware, by the advice of any architect?—Yes; there were a great number of designs sent in by all the eminent engineers of the day, and his was the one that was ultimately selected.

3853. But no architectural advice was given to guide the Corporation in the selection of that design?—I do not know whether they might have asked their architect, but I should think not.

3854. Who is the City engineer?—There is no City engineer except as engineer to the Commission of Sewers; Mr. Haywood now fills that office.

3855. *Chairman.*] Is there any other committee?—Yes, there are other committees of the Corporation for different purposes.

3856. Connected with buildings and public improvements on land or water?—There is a committee called the General Purposes Committee; if you wanted to re-furnish the Mansion House I should think it very likely that that committee would do it.

3857. Mr. *Beresford Hope.*] Did the General Purposes Committee provide those statues which we now see in the Egyptian Hall?—Yes, I think so.

3858. Mr. *Gregory.*] And the painted glass?—That would almost come, I think, to the City Lands Committee (I am not sure), because in them is vested the building of the Mansion House.

3859. Lord *John Manners.*] Perplexing as this list of committees and commissions may be to us strangers, can you who are practically acquainted with the working of the system in the City tell us if you find any practical inconvenience in the arrangement which prevails or not?—I think not, because they are all under the general superintendence of the Corporation afterwards; their duty is rather to prepare the matter to submit to the general body.

3860. Mr. *Beresford Hope.*] Are they different men or the same men under different names?—Very frequently the members of the City Lands Committee will be also members of the Improvement Committee, and they assist each other in that way.

3861. Lord *John Manners.*] Are you aware, from your own knowledge, of any practical inconvenience that has resulted in the prosecution of any great works in the City from the multiplication of committees and commissions?—Not the least, that I am aware of.

3862. The system works harmoniously?—I think so. The Corporation have the power of altering it if it does not. They might, if they thought fit, do away with the whole of these committees, or appoint a committee of taste.

3863. Are you of opinion that any veto given to a Government official would be beneficial, with a view to the improvement of the structural works that are there from time to time carried on in the City?—I think not, because I think that they have been successful in carrying out their works without any such veto.

3864. Mr. *Bentinck.*] I understand you that there is no body in the City of London that has the entire control of all works which may be considered in the nature of artistic works in the City?—Except the whole body of the Corporation generally.

3865. You are aware, I dare say, that I have some practical experience of this matter, arising from the celebrated case last year of St. Mary Somerset's Tower. I remember going with you, and we saw various heads of departments, did we not?—It was so.

3866. We had to see the architect of the City, and we had to see the Lands Committee?—Yes.

3867. Now, then, as regards public improvements, I will take the case of the Monument at London Bridge. Is that under the control of the Improvement Committee?—No, the City Lands Committee.

3868. I do not know whether you are aware that some years ago, when Mr. Cowper was Minister of Works, I interested myself to get that very hideous cage removed, which disfigures the monument of London, and as I think is very unsightly, and I proposed a plan to Mr. Cowper, by which people could be prevented throwing themselves off the top of the monument, without at all disfiguring the character of the work. Now, supposing such a proposition was made again to the City, would it have to come before the City Lands Committee?—It must come before the corporation, and they would probably take the advice of the City Lands Committee and their architect on the subject; and I am sure, if you suggested anything of the sort, they would fairly consider it and carry it out.

3869. Do you think that they would?—Yes, I am sure they would. In the case of St. Mary, Somerset, they immediately acceded to your suggestion.

3870. And the Monument is actually under the control of the Corporation?—Yes.

3871. A drinking fountain has lately been made in King-street, close under the beautiful front of St. Lawrence Jury, a drinking fountain of a very extraordinary character, much objected to by many persons who take an interest in artistic questions; is that under the control of the

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the City?—No, that is under the control of the parish.

3872. Then the City has no control over the works erected by the parishes?—That is in what was the churchyard, though they have taken all the bodies away.

3873. An ordinary intellect would suppose it to be in the public ways, would it not?—It is now in the public ways; anybody may walk there now.

3874. As regards statues in the city, you are better off than we are at the West End; I mean that there are fewer statues?—There is the Duke of Wellington and Peel.

3875. Mr. *Beresford Hope.*] And King William the Fourth?—Yes.

3876. Mr. *Bentinck.*] But is the statue of Sir Robert Peel (seen to such advantage or disadvantage, as the case may be), at the entrance of Cheapside, under your control?—It was erected by the city.

3877. Is William the Fourth under your control in King William-street?—Yes.

3878. And are the obelisks under your control?—Yes.

3879. Under the City Lands?—Yes.

3880. Just as St. Mary Somerset's tower is now under the City Lands?—Yes; it is vested in the Corporation.

3881. And under the management of the City Lands Committee?—Yes.

3882. And you think that there would be no objection on the part of the City, as I understand from your answer to Lord John Manners, to a general committee sitting in Whitehall Place, and directing your works of art?—I did not say so, quite the contrary.

3883. Do you consider that it would be an advantage?—No. I think that they have worked well as they are.

3884. And you are not prepared to give us an opinion on that point, as to whether a general committee sitting in Whitehall Place should direct your works of art?—No.

3885. *Chairman.*] What you said was, that supposing such a committee were appointed, you would consider it rather an honour than not that the City should have a representative on such a committee?—Yes, certainly.

3886. Mr. *Layard.*] I believe that the Metropolitan Board of Works have nothing to do with the City?—Only in one or two instances. They made a great sewer through the City, or they are to make it, for it is not yet made. And there is the new street, the continuation of the Embankment up to the Mansion House; they are making that.

3887. Have they ordinary power to levy rates in the City for metropolitan improvements?—No. The way in which the Metropolitan Board of Works get money for improvements is in rather an indirect way. There is a clause in their Act which says that certain things are to be considered as the expenses of the Board. Now, it was never supposed, as I contend, that under "the expenses of the Board" they would be making streets and imposing rates. They have tried once or twice to get an improvement rate, which has always been refused and rejected by the House of Commons.

3888. Would you then kindly state to the Committee exactly what the relations are between the Metropolitan Board of Works and the City?—The origin of their interference at all in the City was the Act of Parliament passed in the year 1855, the Metropolitan Local Management Act, which seems to have been passed principally to make the great sewers intercepting the sewage flowing into the Thames. Then it was necessary there that they should come through the City; and the City have three representatives on that Board, as the other parts of the Metropolis have representatives; and there are two or three things which have crept in by degrees. One is, that the Metropolitan Board of Works have the power of naming the streets, and altering the numbers of the streets in the City.

3889. Have they ever altered the names of streets?—They did on one occasion alter the numbering of the streets, but they found that it did not answer at all, and they have not interfered since, I believe.

3890. They have not altered any name?—I do not think that they have. A question arose in making a new street near Smithfield-market, and there they conferred with the Metropolitan Board of Works, and they each agreed upon the name of the street; it was to be called Charter House-street.

3891. Could the Metropolitan Board of Works, if they thought fit, under their present powers, alter the name of an historical street in the City?—I am disposed to think that they could.

3892. Mr. Alderman *Lawrence.*] They cannot alter the name of the street unless there are two of the same name?—That was so under 18 & 19 Vict. c. 120, but by the 25 & 26 Vict. c. 102, s. 87, they may change the name of any street, though there is only one street with a name.

3893. Mr. *Layard.*] I understand you to say that the Metropolitan Board of Works is only empowered to act in the City in specific cases?—Only in specific cases.

3894. The three members who represent the City on the Board, do they act only in questions relating to the City, or in all matters?—Generally.

3895. As regards improvements in the City, who raises the rates?—Most of the improvements in the City have been carried out with the coal and wine duties, also assisted by the estates of the City. They always give their own estates as security in case of any failure of funds. We have never raised rates for improvements.

3896. Mr. Alderman *Lawrence.*] But the Commissioners of Sewers have made a large number of minor improvements, which have been paid out of the rates of the City, have they not?—Yes.

3897. Mr. *Layard.*] Is not the position of the Metropolitan Board of Works in the City rather anomalous?—I think it is, and they ought not to exist there at all, I think.

3898. Then, in your opinion, the City representatives ought not to be on the Board, I presume?—No; I think that they should be treated as two separate bodies, separate counties, when they were going to make some sewers through the City, it was necessary that there should be a united government for that purpose.

3899. I understand from you that the Metropolitan Board of Works have only power to carry out works in the City in certain cases?—Yes.

3900. Whereas the three representatives of the City sitting on the Board have a voice in all matters relating to other parts of London?—Yes,

Yes, the representatives of the Corporation, not of the sewers.

3901. Mr. *Alderman Lawrence.*] But the City of London is rated equally with every other portion of the metropolis towards the works carried out by the Metropolitan Board of Works?—Yes; in the indirect way that I mentioned.

3902. The City is not exempted from any taxation collected by the Board from any other district of the metropolis?—No. Supposing that the Metropolitan Board of Works wanted to carry out any work, and got power from Parliament to do it, and to throw it on the general expenses, then we should pay a portion of it. I might mention on that subject of rates that several times lately we have said: "We do not object to contribute to the expenses, only we do not want you to come and make any rate. We do not object to the money if you do not interfere with our working." In the Contagious Diseases Act we pay double. We contribute to the general expenses of the metropolis, and we pay our own expenses out of our own pocket to that.

3903. Do you think it would be better to have one authority dealing with the whole metropolis?—I have thought a great deal on it, and I cannot make up my mind on the subject. I think it would be found that for certain things there must be one body; for instance, for the management of the water supply, and the management of one or two great works of that sort; but I think that the rest might be managed by the localities. However, that opinion is not worth much.

3904. *Chairman.*] Supposing one body to be established, would the City be prepared to allow the chairman and the Metropolitan Board to manage these great works and metropolitan improvement for them, *qua* architectural and æsthetic works?—No; we have always resisted that. We should certainly not have consented to their carrying out the Holborn Valley works. But we do not interfere with their works.

3905. There may be questions of improvement with regard to the continuation of a street or a line of viaduct, or a bridge, where it would be desirable that the two should act in concert and harmony, may there not?—Yes, but practically they have agreed I believe in some instances. I have mentioned that they agreed in the case of the naming of Charter House-street.

3906. But supposing that the Metropolitan Board of Works took an economical view, and that the City being perhaps better in funds than the Metropolitan Board of Works, took an artistic view of a street or any other public improvement, the two might clash?—You see we should have arbitrators who would decide between us, the House of Commons and the House of Lords. Any work we have to carry out must come before Committees of Parliament.

3907. That is as regards the work, not as regards the design or the sum to be expended on it necessarily?—The Committee of the two Houses would have power over the designs.

3908. So that the case which I put might very easily arise at any moment?—Yes; you must have some ultimate court of appeal.

3909. In such a case as that an ultimate court of appeal would be desirable?—Yes. I have a great opinion of the judgment of committees of Parliament, and I think that they should be the court of appeal, as they were in the case of London Bridge. They had the whole thing before them, the model and the material, and they determine everything about it; and I do not see why they should not.

3910. You are in favour of leaving to them not only the settlement of the question, whether public works are to be executed and whether the funds are sufficient for the purpose and are properly raised, but also what the design of those works should be?—Yes, I think so; I think it is a great mistake that when those railway stations were made some provision was not made as to their frontage to the river. The fronts to the streets are very good, but to the river they are hideous; and if the Committee had studied the question at that time they might have insisted on having proper screens, or whatever you might call them. Great improvements might be made in that way. The Government offices in Whitehall, for instance, were poor buildings, and now it is rather an elegant building I think; there is a screen put at the outside. The same in the case of Buckingham House; that is very much improved by the screen put there.

3911. Then you think that Parliament ought to exercise some control over these matters?—Yes, certainly; I think it the best tribunal you could have.

3912. If Parliament does not exercise control over these matters, or if control is not vested somewhere, then the City are liable to have such an erection as either the Charing Cross or the Cannon-street Station, where they face the river, at any moment?—Yes. Now that we have been put upon our guard we should take care.

3913. You would oppose the railway in Parliament you mean, unless their design satisfied you before you went to Parliament?—Yes.

3914. But as regards the rules of Parliament at the present moment, there is nothing requiring the deposit of their designs and elevations?—No.

3915. So that whatever you do would have to be done by private arrangement between the Corporation and the company?—The House of Commons might alter the Standing Orders, and require not merely, as they do now, the line of the work, but also the actual drawing.

3916. At present they do not?—No.

3917. As things now stand you would have no security *qua* the rules of Parliament, against the erection in the City of such things as the Charing Cross Station and Cannon-street Station, where they face the river?—No; but I think after what has taken place we should go before a Committee of the House, and ask to have a veto on the form of the buildings.

3918. There is no precedent for your doing so, is there?—There seems to have been a sort of precedent in the case of Ludgate Hill Bridge; they gave us a veto there.

3919. Mr. Alderman *Lawrence.*] From the experience which you have acquired since you have held the office you now hold in the Corporation, have you seen any difficulty arise from the management of the Corporation affairs by means of the different committees?—No; I think they are very convenient modes of working the Corporation.

3920. Has not the result of the City affairs being managed by different committees, such as the Market Improvement Committee, for building new markets, the Bridge House Committee, for building new bridges and attending to the repairs of the bridges that have been executed, and also the Improvement Committee, attending

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to the new streets and improvements in the City, been that those works have been carried out more speedily and more efficiently than works of a similar kind in other parts of the metropolis?—I should say that it has, because it is an undivided authority.

3921. These various committees appointed for these special objects apply themselves to the carrying out of those objects as efficiently and as speedily as possible?—Yes, I think so; such is my experience.

3922. Are you aware that the Metropolitan Board of Works, when originally constituted, had no power of carrying out their works by means of committees?—I think that practically they did.

3923. They afterwards obtained power for the committees to be able to carry out matters that the Board itself were compelled to do, copying the idea of the Corporation of the City of London?—I believe that was so; by their first Act the proceedings of their committees were submitted to the whole Board. This was altered by 25 & 26 Vict. c. 102, s. 31, under this the committees may act, reporting their acts to the Board.

3924. But not small committees?—The Act I have mentioned, 25 & 26 Vict. c. 102, s. 31, contains no limit of the number a committee is to consist of; it may be small or large.

3925. Has not the management by the Commission of Sewers resulted in the City of London being placed, with respect to its sanitary arrangements, in a better position than any other portion of the metropolis?—I think it is so, and almost better than any other town; the rate of mortality is less, I believe, in the City of London than in any large town.

3926. *Chairman.*] But I think, generally speaking, whatever your opinion may be as to the results of the system working satisfactorily, theoretically you can hardly defend a system where you have a General Improvement Committee, which has really in the main nothing to improve, for the improvements appear to me at present to be carried on in a great measure irrespective of that committee?—I do not think that the name of the committee much signifies; whatever committee it is referred to, they prepare the plan, and bring it up to the Corporation, and they decide it. And I cannot admit the Improvement Committee have nothing to improve; they have completely changed the appearance of the City, and they are still engaged on most important works, and those are under consideration.

3927. Mr. *Alderman Lawrence.*] Did not the Improvement Committee carry out New Canon-street?—Yes.

3928. They are now carrying out the Holborn Viaduct?—Yes.

3929. And the new streets from the upper level to the lower level of Farringdon-street?—Yes; when the Corporation has determined upon it, then they are the executive, as it were.

3930. *Chairman.*] But the Improvement Committee had nothing to do with Blackfriars Bridge?—No.

3931. They had nothing to do with London Bridge?—No.

3932. They had nothing to do with the Ludgate Hill Railway Bridge, or with the Metropolitan Market, or with the Exchange?—That is so.

Mr. Beresford Hope, a Member of the Committee, Examined.

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3933. *Chairman.*] I believe you wish to put in in evidence a portion of the address which you delivered as President of the Institution of British Architects, in the year 1865?—Yes, I do. That portion of my address is as follows: "This sketch of the relations of the Institute to external powers would not be complete, if I did not comment upon that ministry of public works which has gradually grown up out of the old office of Woods and Forests. It has from time to time been urged, that, in order to avoid the vacillations and inconsistencies seemingly inherent in a fluctuating change of chiefs, there ought to be a permanent head of the Department of Works. I am decidedly opposed to any such arrangement. Not only is a permanent head to a great department antagonistic to our political instincts and traditions, but I believe that in this case the innovations would defeat its own object. The man who is originally appointed must have some art notions or other of his own, or else he is palpably unfit to get the place at all. These notions may be good, or they may be bad. Anyhow, if he is irremovable they will be ineradicable, to the discomfiture of all opposing schools of thought. At best we should perpetuate sameness and tameness; at worst ever-recurring clique and manœuvring. Besides, those who argue for the permanent chief, forget that in all public offices there is an element, often an overpowering one, of permanence in the irremovable second man. My own remedy would be based on the opposite principle, of exalting the attributes of the Minister of Works, treating his post as a necessary component, not merely of the administration, but of the Cabinet, increasing his responsibilities, multiplying his inducements to do well, and withal hedging him round with such constitutional safeguards as a perpetual oversight by the Institute and the Academy, not to mention the still more severe and formal one of Parliament itself. The Commissioner of Works is sometimes in the Cabinet and sometimes not; and whether in or out of the Cabinet, he is in theory only a subordinate of the Treasury. This is plainly wrong, for it pulls down the importance of the office, and consequently checks young men who are going into public life from really studying art questions as a channel of political advancement, not much inferior, in its openings, to heavy statistics or colonial grievances. Then modern educational developments have accumulated a large amount of mutual responsibilities, more or less referable to architectural art and its cognate pursuits, between the State and the people, which, if imposed upon the Minister of Works, would fill the hands of the office and of himself, and justify the suggested increase of his dignity; but, by some freak the wise men, who busied themselves a few years ago in re-arranging the public service, passed over the First Commissioner, and instead created an anomalous semi-minister, under the ambiguous name of Vice President of the Committee of Council, to divide his time between high art at South Kensington and parochial school squabbles in general over the remaining kingdom.

kingdom. I give nothing but praise to the noble collection at South Kensington, while, at the same time, I say that its wants have no relation to the department of State under which it is placed, and I claim that this museum, with the appendent art schools, would more congruously be made a function of the Minister of Works than of the Vice President of Education. Let the departments be thus redistributed, and the need for the latter never very well understood nor popular office falls to the ground. For the purpose of moving the really educational votes in the House of Commons, the Lord President himself, rid of his art responsibilities, would want, and ought to have, a Parliamentary Under Secretary, but that official need not be of weightier calibre than the Secretary of the Poor Law Board. If the Minister of Works were expanded, as I propose he should be, into an undoubted and constant member of the Cabinet, he should also have assigned to him a Parliamentary Under Secretary to move estimates and make explanations, and then the Department of Works might be filled by a peer, if the fitting man turned up in the House of Lords. We should know how we stood towards such a Minister, as we do not with respect to the actual First Commissioner. It would then be our duty, in conjunction with the Royal Academy, to see that, in the remodelling of the office, a definite standing should be given to those great societies, as the perpetual Attorney General and referees of architecture at the bar of the administration. Thus the liability of the office holder to be changed would check clique, and the fixity of his standing council would obviate fickleness and inexperience."

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3934. I believe you prefer reserving to another day any remarks you may have to make to that or generally upon the subject which we now have before us?—Yes; I should simply state now that the views which I have brought out in my address are views which I have long entertained. In various ways I have brought them before the public since the year 1855. I may remark that I made the suggestion in my examination before the Commission on the Royal Academy in 1863.

Mr. Richard Redgrave, R.A., called in; and Examined.

3935. *Chairman.*] You are at present head of the School of Design in connection with the South Kensington Museum?—Not head of the School of Design, but Inspector General of Art there, having all questions of art referred to me before their consideration by the Board.

3936. You have turned your mind to the matters which engage the attention of this Committee, have you not?—Generally I may say as an artist that I regard London as one of the most picturesque cities that I have seen in the world, but that it is so disfigured now by the late utilitarian erections, that as an artist it gives me great pain, and I regret that there is no authority that can prevent such obstructions and erections, but that they are permitted to take place without proper control.

3937. When you say that it is one of the most picturesque cities in the world, you mean, I presume, from the natural advantages that it possesses?—Yes.

3938. Those advantages being a broad river with parks which come down nearly to that river, separated only by a few rubbishy buildings at present from the river, and those parks in the form of garden and path extending continually for something like three miles?—Yes; the rise from the river is very peculiar to London, and it seems to me to differ from other towns in that it has been built greatly upon the old lines of communication, the roads and lanes which bordered the metropolis and its picturesqueness has arisen out of that which is now being wholly destroyed. It is different from Continental cities in this, that they are fond of vistas, but our picturesqueness arises from intricacy and variety. It is a very sad thing to see these great blots on the metropolis. I will not instance Ludgate Hill, which has been so often alluded to already, but I will take the other side of London, that from which foreigners used to approach the city. There is not a street on the south that has not been blocked up by the basest utility. Take London Bridge, a very fine approach to the City; there is an iron girder crossing the road at no possible angle with the street; one part is a semicircle joined on to a straight girder in the ugliest way possible. That utility must have its influence I can understand, but why should it not be combined with a certain amount of beauty.

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3939. You are alluding to what existed on the Surrey side of London Bridge?—Yes. There was a pretty little crossing refuge taken down to make way for this great obstruction. There is a fine old church, St. Saviour's, which is blocked out by this vile girder crossing the street, and the entire approach. If you turn and enter Southwark-street, the New street, where individuals have laid out very large sums upon buildings, there is another nasty girder, crossing at a very bad angle. And so it is with every approach to the metropolis on that side. Much of this might have been avoided if there had been some one who had a veto in such matters.

3940. From what you see, you are of opinion that a veto is necessary upon such public works as railways in this metropolis; that none such exists, and that unless such a veto exists, we may see these evils which you point out multiplied unlimitedly?—They have multiplied very largely in my time, and I presume that they will go on doing so. I am not prepared to say what the nature of that veto should be. There are immense difficulties in the way, as I have heard while obliged to sit here, but certainly when I find that there is no one authority that rules in these matters in the City of London, and I know that there is none in the outskirts, I may well think that there ought to be some constituted authority who should alarm public opinion as to whether a thing will be wrong or right when done. We do not want to Haussmannise London; but things are carried on very differently in Paris. When I have been there, I have seen the great advantage that arose from models. I have heard authorities here speak of models. A small model of that sort (*pointing to a street model in the Committee-room*) gives very little notion of what the thing will be. A large model would save many hundred pounds. A Frenchman, before he allowed that bridge to be built at Ludgate-hill, would have had a canvas erection and had it painted

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out, so that the public could have properly judged of the ugliness of the work and then it never would have been finally set up. Once when I was at Paris, driving round the Boulevards, I saw an immense erection at the Barrière du Trône. I understood that it cost nearly 3,000 *l.* to put it up. It was merely a model, but it was altogether so perfect an illusion, that I thought it was the new barrière. The next time that I passed, it was removed.

3941. Do you know what the total cost of that erection was when finished?—I do not myself know that the model cost 3,000 *l.*; it is only an *on dit.* It must have cost many thousand pounds to build the barrière it represented.

3942. Even if it did, and 3,000 *l.* were spent in a model, do you consider that sum well spent?—Certainly. Look only at our public buildings erected in my time. I suppose if the public had thoroughly appreciated beforehand what they were about to erect, that column, with Nelson on the top of it, in Trafalgar-square, would never have been raised. What can be more disgraceful than the Duke of Wellington pressing down that enormous arch at Hyde Park?

3943. I suppose you hope that the nation may some day awake to a sense of propriety, and insist on removing that, as other statues have been removed?—I think that there is a great want of removal in many places.

3944. Are you aware whether in London, at present, models of the actual scale are erected in architecture?—I have never known it, except in regard to the buildings at South Kensington. I have seen parts of the buildings there in full-sized model.

3945. Is that the system that you proceed upon at Kensington?—Very largely; by painting out parts as large as the thing itself. I do not mean so much at South Kensington Museum as in other buildings there; the large hall is not connected with South Kensington Museum; that has had a section painted to the height of 80 feet, altered from time to time, when changes had to be considered.

3946. Mr. *Gregory.*] And the pediment was done in the same way?—Yes.

3947. Mr. *Beresford Hope.*] Are you aware that a model on a large scale representing the colour decorations has been made of the proposed Baldachino in St. Paul's Cathedral?—That was exhibited at the Academy.

3948. *Chairman.*] Was the New Museum at Kensington itself treated in that way?—Parts were done very large. The whole of the arcades, which were under the direction of Mr. Smirke, in the Horticultural Gardens, were drawn out the real size, and very much altered from time to time, till what was to be the final result was arrived at.

3949. You suggest that there should be control, and that that control should be exercised subject to the testing of buildings by models?—I think that it would be very useful in the metropolis.

3950. And from your experience abroad you feel confident that it would have as good results in this country as you have seen it have abroad?—Yes; it would awaken public opinion. I heard the last witness say something about public opinion, in regard to these erections over the Thames and elsewhere; but I do not know how public opinion could know anything about them till they were erected. If the public saw a model, they would begin to cry out before the work is executed; after it is executed it is too late.

3951. Public taste being at present in the state in which it is, it might be many years before, even if public opinion could express itself in an effectual way, it would express itself so as to prevent the disfigurement of the metropolis?—Yes, it is not perfect yet, but it is beyond utilitarianism already.

3952. You, having knowledge of these matters from your position, are of opinion that it would not do at present to trust to public taste alone in its influence on these things as, even if it had the power, it is not sufficiently advanced to step in to prevent these things?—No, I think it wants an educated public opinion, a selected public opinion to step in.

3953. But even if it were educated and selected, there is no power at the present moment of preventing these things?—No.

3954. That can only be obtained by the recognition of the want and the creation of the power?—Yes.

3955. Have you thought in what form that power should clothe itself?—I am very much in favour of a unit of power, that an individual, if possible, should be responsible for everything done. I think it would be very valuable to assist him by a council or some mode of reference to authorities, but I would have him act quite independently in the end.

3956. That is to say, your view would be that you should there, as in all other things else, endeavour to *focus* responsibility?—Yes.

3957. So that if anything goes wrong there is somebody whose head you can cut off?—Yes.

3958. You would assist this officer with a council, and he should be responsible to the public, and should be independent of the council, though, of course, he would be morally bound, more or less, by the advice of such a council?—I think so; I think that the council, or whoever gives him advice should give it in writing, and should be responsible for as much advice as they gave him.

3959. You would make the council be responsible for their views and opinions, and you would have a record of those views and opinions?—Yes.

3960. You would make the Minister, or the one individual so advised, responsible to the public whether he acted or not on that advice, but would leave him free to act or not according to his judgment?—Yes.

3961. Do you think that the public would be satisfied if this authority were exercised by the head of the Metropolitan Board of Works (I do not mean the Office of Works)?—I do not know that he is in any special way qualified for it.

3962. I do not look to the individual; but I mean if it were exercised by the person for the time being holding the office of Chairman of the Metropolitan Board of Works?—I do not know much of the constitution of the Metropolitan Board of Works; but I should say no, for I should say that whoever is responsible should be responsible to the House of Commons, which represents the people, and that he should be able to carry his responsibility into the House of Commons.

3963. Do you imagine that when that Board was constituted, and when the chairman to that Board was appointed by Act of Parliament, it

ever

ever entered into the minds of persons constituting this Board, that the head of it should have sole control over all these things in the metropolis?—No, I think not, considering how the Board are chosen.

3964. With an elective body like that, and with a constituency such as that is, it does not at all follow that the persons, either the electing or the elected, have any taste or feeling whatever for the matters under the consideration of this Committee?—I should think not any more than the Commissioners of Sewers.

3965. They representing the general rate-paying public, if the body which they have to look to on matters of taste is the public, that implies that they themselves have not that taste?—They merely represent such as themselves in taste; they are quite the reverse of being judges in the matter of art.

3966. And there might be a time when, through the impatience of taxation, and the heaviness of rates bearing on them, they might look solely to economy and not to æsthetics?—I think that that time has already come.

3967. So that you do not think that one can look for better things, and for a saving to the metropolis in the future, if the Metropolitan Board of Works, as at present constituted, has the sole power?—I should say no; and I am not aware that they have done anything in that direction already.

3968. You will admit that they have executed the Embankment well, I suppose?—Yes, as far as that is under their hands.

3969. The argument has been used that this controlling power (which is admitted to be necessary by all the evidence that we have had) should rest solely with the Metropolitan Board, because they raise the money; and where there is taxation there ought to be representation; and those only should spend the money who raise it; do you think that there is anything in that argument as applied to this metropolis?—Well, generally it is right that those who raise the funds should have some voice in spending them; but I cannot conceive that we are to allow the metropolis to be disfigured merely because the rates have been raised from individuals in the metropolis; it is a national question.

3970. It is not a question as to having a voice, but the sole voice?—Yes; I should say that the metropolis is national, and not connected merely with the ratepayers of London.

3971. Even assuming that that argument held as regards a provincial city, such as Leeds, you hold that London must be viewed exceptionally?—I should say so. You may put, if you like, the other metropolitan cities under the same category; but London is *per se* the head of the whole kingdom, and should be treated in a different way from provincial towns.

3972. Your view is that London, being the metropolis of the whole kingdom, every man is equally interested in it, and therefore there ought to be some one on the part of the whole nation, and not only on the part of the individual ratepayers of the metropolis to look after these great public works?—I think so.

3973. If in your view this authority is not to be found in the Metropolitan Board of Works solely, do you think that it is to be found in the person of the Lord Mayor for the time being of the City of London?—Certainly not.

3974. Without speaking in any way disrespectfully of the aldermen, you would not think it right to intrust to any one individual in the City, when Lord Mayor, the sole controlling power over the whole metropolis in these matters?—The Lord Mayor might have a control over the City if it was necessary, but I should think he ought to be aided by good advice, the advice of men selected to give such advice in matters of art. I have heard the evidence, and I do not see that there is any proof that the different commissions and committees in the City are selected with a view to settling an art question. The Lord Mayor, I presume, is chosen from a different point of view, not to decorate the City, but to rule it commercially, and as a magistrate.

3975. You have heard the evidence given by Mr. Corrie with reference to the way in which these things are managed now. Do you think the way in which they are managed in theory and principle, a sound one?—I cannot conceive that it is at all as regards the æsthetic point, because Mr. Corrie himself does not look at it in that view; he looks at it from an utilitarian view; they may work very well in that view, but no question of art comes before them, as far as I can see.

3976. But with this variety of committees which they have, whose duties appear to be somewhat undefined, the system there may be described as what is commonly known as the happy-go-lucky system in these days, may it not?—It does not seem to me to have any coherence at all. I attended very carefully to Mr. Corrie's evidence, and I cannot see that any one person as an authority interferes in matters of art and taste, the committee's decisions are utilitarian. When he speaks of the market, for instance, being erected by one body and the approaches by another, there is no means of considering their bearing upon one another. The approaches to the market might lead up to the worst part of it, and the best façade be led up to by the worst approach. The Bridge Committee again seem to have settled the erection of London Bridge, the approaches were made by a different committee; there was no concert between them by which the approaches shall be made to tell upon other objects situated near the bridge. I may mention an instance which has often struck me. That new street (King William-street) might, with the slightest alteration, have brought in the Monument at the end as a vista; it almost does; a slight deviation would have done it, and it certainly would have been a fine point. Many little things of that sort are overlooked, because there was no concert between the two bodies: no authority referred to in matters of taste; it is merely utilitarianism, as I understood the evidence.

3977. I have described the system as applying to the City as a system well known as the happy-go-lucky system; now, when you turn your view from the City and come to the Metropolitan Board of Works, you then find that this Embankment, which has been a very successful work, might, instead of being made with granite, and most beautifully worked granite, have been made with concrete, with rubble, with brick, or any other description of work, and that there is no control exercised over the proceedings of the Metropolitan Board of Works in these respects by Parliament, or any government officer; and one may perhaps apply the description of the happy-go-lucky system to the Metropolitan Board of

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Works' management as well?—It seems so; at the same time I think that we are highly indebted to Sir John Thwaites that he should have had the good sense to control what must have been the wishes of the ratepayers, and to make it a solid and handsome structure.

3978. So that in the case of Sir John Thwaites and the present Board the system has been lucky?—Certainly, happy and lucky.

3979. When you look to these hideous viaducts which are erected by railways across the streets and the roads in the metropolis, when you look to the bridges which they erect, and when you know that these are the result of such matters not being considered at all either by a Committee of the House of Commons, or by any other authority, or checked in any way, do you not think that the happy-go-lucky system may be said to apply generally to all these matters in the metropolis, and that upon the whole it is more happy-go-unlucky than happy-go-lucky?—I think so; it seems to me that there could not be very great difficulty, whenever Parliament grants compulsory powers to do certain things, in demanding that there should be some inspection as to such works being satisfactory to the public taste and eye; individuals will do as they like in this country, but if you give authority to railways you may certainly reserve any rights you please as to the railway works not interfering with the beauty of the metropolis.

3980. Would you see anything wrong in extending that principle to all bodies, whether corporate bodies such as St. Thomas's Hospital, or such as the City Corporation, or such as the Metropolitan Board of Works, when they come before Parliament for any purpose for the erection of any building, or for the making of any street or public improvement?—I think whenever Parliament steps in to give them public aid, it should have a right to demand that public rights should be taken care of.

3981. And that Parliament should meet that power in the person or in that person, with some combination of persons to assist him, that they think most likely to bring about the desired end?—That would seem the most reasonable view.

3982. Mr. *Gregory*.] Do you mean by public aid, public money?—No; any infringement on the rights of the public is public aid.

3983. *Chairman*.] You mean by public aid, Parliamentary powers to deal with property and to execute works?—Yes.

3984. From your position as an artist of eminence, and from your official position, you have necessarily, in the course of your life, been brought very much into contact with other artists and with persons who take an interest in æsthetics, whether in architecture or anything else. Now, have you found great unanimity of opinion upon these matters, and do the views of such persons coincide with those which you have at present expressed?—I think broadly that they do; but I am afraid that my brother artists do not enter much into such matters; they will exclaim against the ugliness of certain things, but they are not forward to assist in putting them right.

3985. You have found other representatives of that intelligent public opinion which we are told is to be in the future our security against these monstrosities sharing the view which you have expressed?—Yes.

3986. As far as that public opinion exists at present, you find it unanimous in that direction?—Yes; but I think that the public expression of that opinion is called for too late, when there is no means of acting upon the subjects; they are already constructed and cannot be undone. I think that if the public had been awake to the ugliness of these bridges before they were constructed we should never have had them.

3987. This is perhaps a turning point in these matters; the Embankment is erected, and there is still a hope of saving London by dealing properly with these matters; whereas if this opportunity is allowed to slip there will be no opportunity of recovering that opportunity?—I think that it is a good point of time to do something; but I think that the town has been much disfigured already by railway bridges and stations; still we may save something and prevent St. Paul's being further blocked than it is at present.

3988. You have said that you want individual responsibility to control these matters somewhere. You have said that you do not think that you can find that individual responsibility properly in the Chairman of the Metropolitan Board of Works; you have said that you do not think that this control ought to rest solely with the Lord Mayor and the City; I presume you point to such control being vested in some government officer?—I do.

3989. And you would probably look to the First Commissioner of Works as the person who should be responsible for these matters to the public?—Not as at present constituted; but I think that the First Commissioner of Works is the individual that I should look to.

3990. Whether his office should not be made a more important one is a matter for consideration, but at any rate you would look naturally to that office as the initiator of a better state of things?—I should.

3991. Then, with regard to this council that you suggest, or a council to advise the Minister, different suggestions have been made as to the constitution of it; do you think that such a council should be representative of societies or a nominated council, or both, partly the one and partly the other?—I do not quite clearly see in my mind the distinction; do you mean that societies are to nominate certain persons?

3992. I mean that there would be several ways of constituting such a council. It might either be a council nominated wholly by the Minister from persons conversant with these matters, as commissioners are now nominated. That would be one way, would it not?—Yes.

3993. Another way would be that it might be a council partly nominated by the Minister and partly composed of persons chosen by certain bodies. That would be another way. A third way would be that it should be a council composed of persons wholly nominated by certain bodies. Of those three principles which do you think to be the soundest?—I think, rather, that it should be nominated by the Minister to represent certain bodies; not nominated by the bodies themselves, but nominated by the Minister, perhaps, in correspondence with the bodies. I will take my own academy, which I think should be represented. I feel a doubt whether the academy would send the best members to represent itself on such a council. I would rather that it was in the hands of the Minister in conference with the body; in the same way, I presume, with the Institute of British Architects.

3994. You

3994. You would prefer that certain bodies who are to be represented by this council, instead of either sending their presidents or chairmen as *ex officio* members of it, or nominating them themselves, should communicate with the First Commissioner as to the member of their body to be selected to sit on that board; that is your view?—I think that would be the best way on the whole.

3995. What is your objection to such bodies either being represented *ex officio* or choosing their own representatives?—I think that if they are represented *ex officio* the men holding office are not the best for that purpose.

3996. They might be?—They might be.

3997. But that is the happy-go-lucky system?—Yes; I think that if it were necessary to send a person *ex officio*, the president would of course be chosen, and might be less suitable to take part in such a committee than others who might be selected from the body.

3998. That is a sound objection to an *ex officio* position on such council of the president or chairman of the different bodies: as you have suggested, the person for the time being filling that office, though an admirable painter, might not understand architecture, and might have no turn or taste for these matters, and therefore might be unfit to represent the general æsthetic element as allied to other things than painting; but what would be your objection to the Royal Academy, or any other body, sending a representative to the Board, on the understanding that such a representative was not necessarily to be their chairman?—I rather object to a council formed in that way; indeed, I am not quite in favour of a council to advise the minister. I think that it would be much better if these bodies were to nominate, if you please, three or four gentlemen whom they would consider capable of advising the minister upon many subjects that came before him; and that then when any particular case came up, he should select, we will say, five whom he should ask to report upon that particular case, and whom he should pay for that particular duty only; I think that would work well in many respects. For instance, if it was an architectural question, for that purpose perhaps it might be as well to take some painters or sculptors as well as architects, and to have them mixed with, perhaps, one or two laymen of taste, to give a report on the individual question.

3999. That would be practically the present system with the difference of pay, would it not, as regards the Government offices?—No, I would have these men nominated to assist the minister, but he would form from them council on each particular case when he desired.

4000. That is another point, whether it should be a permanent council or merely committees; but, supposing that it were a permanent council, and that there were permanent representatives from these different bodies, I want to know how to get the best men from the bodies; you object to the *ex officio* membership of the president and to the nomination of the body itself; do you think that the body would not choose the best men?—I am doubtful, since, for a council of five, any one man selected could not be entirely qualified; but if you wish me to come to a decision as to how these parties shall be chosen in the first place, I am afraid it must be given to the different bodies to nominate. I would rather the bodies nominated persons from whom the minister should select his council.

4001. Now, we come to the different bodies; you have mentioned your own one body; that body contains architects, so that on such questions the names of architects would form an element and be sent up, I presume?—I think that I should not send architects from the Royal Academy; the Institute of British Architects would do that.

4002. Now, we come to see what other bodies would be represented; you mentioned the Institute of British Architects; that you would naturally assume as one of the bodies?—Yes.

4003. And the Institute of Civil Engineers?—Yes.

4004. Then the Society of Antiquaries has been suggested?—I do not see their value on these questions, except in any associations with the old parts of the City.

4005. Of course I assume in all this that the Metropolitan Board of Works would necessarily have a representative on such a body and that the City of London would necessarily have a representative?—Yes.

4006. The Society of Arts has been suggested; it has been suggested to me that they being composed of persons interested in such matters, but not necessarily professional, would find in their body persons very well fitted for such an office?—They are a very stirring body, but I have no great faith in their taste.

4007. Is there any other body that you would suggest?—No. I am afraid of making the members of this council, if there is one representative from each body, too large; for I feel that in the multitude of counsel there may be safety, but if you want to get responsibility have as few as you can, and make them go thoroughly into their work.

4008. Taking those bodies that you have agreed to, the Royal Academy, the Institute of Architects, Civil Engineers, Metropolitan Board, and the City, that would make five; you would not consider a council of five too large?—No; I think that five would be a very good council for many proceedings, but those five men may not be fitted for all questions. Now, for instance, in civil engineering, a civil engineer would lead. If it was matter of architecture, the architect would lead the other members. I am not wishing to speak disrespectfully of the City or of the Metropolitan Board of Works, but its members are not necessarily men of æsthetic and cultivated tastes, and would be likely to concur with the professional member in whose province the work lies.

4009. But for such a council as that, the probability is that each body would select persons (from whom the minister would select according to your plan) who had special aptitude for the duties they would have to perform, taking a broad general view of their duties?—Yes. I think that five make a very good committee.

4010. I suppose that you would appoint them for a certain number of years, say two or three years at the outside, and make them re-eligible, but that you would not make it a long appointment?—I consider that there should be several nominated, from whom the minister should from time to time select his council; but if you please to take it the other way, I think that there is an obvious advantage in their being a little more permanent than annual.

4011. I think that the director of the National

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Gallery is appointed for five years, is he not?—Yes, nominally.

4012. Would you pay these representatives of the different bodies?—Certainly; I think that no good results unless a man is paid, because you want to nail him to the responsibility, which you cannot if you do not pay him.

4013. You said that you considered that if a body were so constituted it would be an honour to belong to such a representative body in this metropolis?—No doubt.

4014. Would you consider it at all derogatory to the position of the Metropolitan Board of Works, or of the City of London, that instead of each in their respective jurisdictions having, in these matters of æsthetic construction or public improvement, the sole and undivided control, they should have their part in such powers as were given to this body of five over the whole metropolis?—I should think that it would be much to their honour; and moreover, I should think that it would be a very onerous post for anyone to be appointed to, if he did his duty.

4015. As regards the ratepayers in the metropolis, whether residing in the City or within the metropolitan districts, speaking as a ratepayer, would you prefer the knowledge that these matters for which you are taxed were so controlled, to the present state of things?—Only speaking as a ratepayer, I should feel a great deal more content in knowing that things were administered by men of understanding than by men of none.

4016. Whether the plan failed or not, you would feel that you had this security, that whatever money you paid in rates for public improvement and general æsthetics, would be spent in the way which, as far as our limited means allow, the nation believes would be best for the metropolis?—That at any rate there had been an attempt to do it.

4017. And, speaking as a ratepayer, you would greatly prefer that system to the present?—I should greatly prefer it, because it would be a system opposed to no system.

4018. Mr. Alderman *Lawrence.*] If I understand your evidence correctly, it is that the First Commissioner of Works, aided by a council, in whatever way that council should be formed, whether chosen by him or elected by the different bodies that have been named, should have a power of control over all public works in this metropolis which are now carried out by the Metropolitan Board of Works or by the Corporation of London?—That is not my evidence; it was that whenever compulsory powers were asked from Parliament, Parliament should have a right to see how the money was spent, and to see that it was so spent that no injury was done to public taste.

4019. But do I rightly understand that you would give the First Commissioner of Works the power of increasing the sum expended upon these works, if necessary, in order to promote, according to his views and the views of the council assisting him, a higher degree of Art, or the making of a more beautiful structure?—I think that very often there would be less money expended in a beautiful than in an ugly structure. I do not contemplate giving him the power of increasing the charges, but that at any rate he shall have a veto: the power of saying, "This is so ugly that it shall not be done."

4020. I think I understood you to say that the Thames Embankment, which is now nearly completed, is a successful work, and has been carried out in a manner which is both creditable to those who carried it out, and creditable to the metropolis generally?—As far as possible consistent with the difficulties which they have had to encounter, I believe that it is an excellent work.

4021. Are you acquainted with the manner in which the main drainage has been carried out by the Board of Works?—Not more than generally; it is a utilitarian work in which I take no interest because it does not offend my eye.

4022. I do not understand that you would exalt Art so that it should be separated entirely from utility?—No; but I am giving evidence upon Art questions, not upon utility, and I am not required to go into sewage matters.

4023. Then do I rightly understand that, in all your evidence to-day, it has been a mere question as to the best methods of obtaining artistic designs, and that it has nothing whatever to do with utility?—It is the best method of conducting utilitarian buildings, that they shall not be offensive to the eye.

4024. Therefore it is not necessary that utility should be separated completely from Art, or Art from utility?—On the contrary, I believe that very often the best utility produces the best beauty.

4025. Until the evidence which has been given to-day as to how these matters have been conducted in the City of London, were you aware as to the mode in which these various bridges and buildings were carried out in the City?—I was not in the least aware of it, but I am extremely astonished at the method; it seems ten times worse than I had any idea of.

4026. Then your knowledge of the mode and method of carrying out these works has merely been gathered from the evidence to-day, and is not any personal knowledge of your own, as to the mode and manner of carrying them out, or as to their success or failure?—My knowledge has not been knowledge as to the modes in which they were carried out; but success or failure is a thing which is patent to everybody that looks at our city, and it is on that success or failure that I have been making remarks.

4027. You have heard how the bridges are managed, and how London Bridge was built; is London Bridge a bridge which may not be considered a bridge which is ornamental to this metropolis?—London Bridge is very ornamental, perhaps it is a wonder that it came out of such a method of procedure. I have not a word to say against London Bridge; neither have I a word to say against Waterloo Bridge, which was the work of a private company; but I am surprised that the City has not more control over the beauty of its own buildings, and that it should let such a construction as that in Southwark take place (if it is within the jurisdiction of the City) without some attempt to alter it.

4028. Are you aware how Southwark Bridge was built?—I am not speaking of Southwark Bridge, but of the girders of the South Eastern Railway Company crossing the street at the end of London Bridge.

4029. Are you aware that that is situated without the limits of the City of London?—I did not know whether it was so or not; that is why I qualified my answer just now; I am very glad to hear that it is out of the jurisdiction of the City;

City; but they have control at Ludgate Hill, though I have left that out in my remarks.

4030. With respect to Blackfriars Bridge, which is now building, much has been said about the two bridges; are you conversant with the design and the structure of the present Blackfriars Bridge?—Only as I pass up and down the river; how can we know anything of the bridge till it is built; that is what I complain of. I should be glad if there were some place in the City of London, or elsewhere, where designs and models of all such great works should be placed before the world, to inspect prior to their final sanction.

4031. I apprehend that you will not erect the model of a bridge over the Thames in the same way which you alluded to just now?—I do not see any great objection to that even. It is not such an impracticable work; we might have it very fairly represented to us.

4032. Do you think it would be advisable in erecting a new bridge over the Thames, that there should be in some degree a model thrown across the Thames?—I think it would often save great offence to the public taste if it were done.

4033. *Chairman.*] The scene painting in this country is the best in the world, is it not?—I believe so.

4034. And these scene painters would strike off a bridge in no time?—Yes; they would erect a few poles in the river, and get it up without much difficulty; and supposing it cost 1,000 *l.* that would not be thrown away.

4035. Mr. Alderman *Lawrence.*] I think you stated that with respect to the various buildings erected in the City there appeared to be no concert between the committees managing the various bridges, buildings, and markets?—No other concert than a reference to the Corporation, and the Corporation, in matters of taste, are not directed at all.

4036. But are you aware that the whole of these committees act in concert, that they are, in fact, only divisions of the Corporation for carrying out effectively the works which the Corporation as a body could not possibly carry out itself, it being so large a body?—The Corporation having been divided into committees, as you will, there is no one that has any authority to direct in matters of taste. I do not suppose that the Lands Committee have any knowledge of painted glass. I do not suppose that the Sewers Commissioners had any knowledge of whether that building across Ludgate Hill would be beautiful or otherwise.

4037. Your argument would apply to the body as a whole, would it not, that they do not possess the means of deciding upon any matters of taste; that they are without the power of doing so, in fact?—Generally, because they do not look at it from that point of view at all; I do not wish to say anything derogatory to the City or to the committees, but as a Corporation and as committees, they are not considering the question of taste at all; and I presume that the Commissioners of Sewers had no knowledge of that bridge across Ludgate Hill being so ugly till their attention was called to it, and then they made it ten times uglier by attempting to ornament it badly.

4038. Have you seen the market which has been alluded to?—I have passed it once or twice; it is very fairly built.

4039. Are you aware that that market is built with a railway communicating underneath it?—No.

4040. And that the market was built with every convenience, not merely for the sale of meat, but for meat being kept in a pure state?—Excellent things. I have not entered into that question at all; it does not come to me; I have no objection to make to the architecture of the building; I have not examined it much; it seems very respectable, I should say.

4041. With regard to the present constitution of the Office of Works as at present constituted, do you think that the office, having often a changing First Commissioner, is a body better able to control these various buildings throughout this metropolis than either of the permanent bodies to which allusion has been made?—I think, generally speaking, looking back at the First Commissioners of Works that we have had, it has been rather the intention of the Government to choose the First Commissioner with the view of aptitude for that office; whereas the City committees have no aptitude for such office; neither has Sir John Thwaites any particular qualification as to taste, though he may be a capital man to conduct constructive works.

4042. Are you aware that the new street from Bow-street to Gower-street was carried out under a First Commissioner of Works?—I was not; I cannot say much in his favour.

4043. Do you think that it will compare favourably with anything carried out either by the Corporation or by the Board of Works?—Well, it is in a part of London where, I suppose, there is a great difficulty in getting persons to spend their money as freely as they do in the City. I think I must bear evidence to being astonished, when going through parts of the City, at what individuals are doing to decorate and beautify the City by structures in lanes and alleys, where one would never expect they would lay out money so lavishly, and I do wish that there was some arrangement by which such public works should be brought to better the general aspect of the City.

4044. Are you aware that New Oxford-street, and the improvements at the bottom of St. Martin's-lane, and the opening up of Leicester-square, were done by a First Commissioner of Works?—If they were done badly, I should only say that the First Commissioner should have advice on the subject. I am presuming that he would not act without advice.

4045. If the First Commissioner were to have full power, and to use it badly in these matters, what control would there be over him?—Public opinion then would be so strongly in favour of those who had given their reports in writing to him, that he could not virtually go away from their advice.

4046. Have you observed Cannon-street?—It is, on the whole, a very beautiful street. I think there might have been a great improvement there. The City had a great deal of difficulty in securing that little bit of ground near St. Paul's. I have often wished, when coming along Cannon-street, that they had given a few more houses towards the school; a very little more would have opened a noble view of St. Paul's; but I really am not wishing to blame the City. You must be quite aware that it is the great companies that want controlling; these railway companies, and so on, over which neither the City nor anyone has any control at present.

4047. *Chairman.*]

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4047. *Chairman.*] You have been asked whether, looking to the changing nature and the Parliamentary position of the First Commissioner of Works, you would have any security that these powers which are proposed to be given him would be properly exercised; do not you think that if more importance were given to that office (which has really been more or less almost a builder's office than anything else, for the First Commissioner has been the builder of the Government), and if such controlling powers were entrusted to the First Commissioner, the Government in appointing their First Commissioner would look perhaps more carefully at his qualifications, assuming (I do not say it is the case) that they have not sufficiently looked at his qualifications hitherto?— I think so; I may be allowed perhaps, in concluding my evidence, to say that I think that the constitution of our own office is much better, and might be in some degree a model to the First Commissioner of Works. Our Lord President has an officer, myself, bound to give him the best advice about Art, and to recommend him whom to call in to advise with; the same in regard to science, there is a chief officer in the science department who advises the President whom to call in in questions of science; and I think if the First Commissioner of Works were advised by an officer eminent enough to say "These are the men that you should call in," it would be better than a standing council; you would in that way get a variety of opinions rather than the stereotyped views which you would be apt to get from those who would be likely to fall into the quiet routine of office; I am quite sure that anyone who was called in to give an opinion would feel more the deep responsibility; you would find it difficult to get a permanent council to whom it would be safe to leave these matters, but if the men best qualified for the special work, and taken from an appointed list, could be called in, you would find that a safe course.

4048. But supposing that, if such powers were delegated to the First Commissioner of Works, good care would be exercised in his selection, it might be advisable, might it not, also as an additional security for the proper exercise of such powers, and for their continuous proper exercise, that you should have some permanent official, such as the officials they have at the Home Office and at the Foreign Office, who give a sort of continuity to the policy of the Home Office and the Foreign Office, and who have a knowledge of all the details which at present they have not in the Office of Works, there being no such permanent officer there?— It is a difficult thing to find such an officer; but I think that it would be very valuable to the First Commissioner of Works to have such assistance.

4049. If there were in addition a council such as has been suggested, although the First Commissioner of Works would be so far independent of his council that he would decide on his own responsibility, either in accordance with or against the views of that council; still the knowledge of the fact that his decision would be known to be either in accordance with or against the views of his council, and that the opinions of that council would, as you have suggested, be recorded, would exercise a strong moral influence over the decision of the First Commissioner for the time being, would it not?—Yes, and a strong moral influence outside. It would lead people to feel that whether he agreed with the council or differed from it, the matter had been well considered, and the public would be in a position either to support him or them.

4050. And if in such a case he did differ from his council and came to Parliament, taking a different view from those that advised him, he would have to show a very strong case in his own favour, because the *primâ facie* case would be against him?—Yes.

Friday, 2nd July 1869.

MEMBERS PRESENT:

Mr. Buxton.	Mr. Beresford Hope.
Lord Elcho.	Mr. Layard.
Mr. Gregory.	Mr. M'Clean.

LORD ELCHO, IN THE CHAIR.

Mr. BERESFORD HOPE, a Member of the Committee, further Examined.

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4051. *Chairman.*] I BELIEVE you were, in the year 1865, President of the Royal Institute of British Architects?—I was, from 1865 to 1867.

4052. You have necessarily turned your attention much to the matters which have engaged the attention of the Committee; do you consider that the state of things in this metropolis, as regards public works, whether executed by companies or by public bodies, is satisfactory?—I consider it to be thoroughly unsatisfactory and chaotic.

4053. Does your objection to the present state of things mainly rest upon the results or upon the system?—Upon both.

4054. Do you believe the results to be at all dependent upon the system?—To a considerable extent; but I would not like to commit myself by saying that it was so altogether.

4055. Those reasons, I presume, are such as have been pointed out to this Committee; such as the disfigurements by railway bridges, which are bad in form, and which perhaps interfere with other bridges, by railway bridges across roads, and other works of that kind?—Those are among the disadvantages, and of course there is the further disadvantage of streets and other improvements being laid out at haphazard, and according to no general plan, which is too wide a question for us to go into now.

4056. Will you be good enough to point out more particularly wherein you think that the results show a want of system, or wherein you think that the results at present are very objectionable?—I think I can do very little more than say "ditto" to what we have heard from previous witnesses. There are the cases of Ludgate Hill, of the west and east ends of Southwark-street, of the two bridges over the Thames at Blackfriars, of the iron bridge opposite Lambeth Palace, of the Charing Cross and the Cannon-street stations and bridges, and there are many other instances to be found in London.

4057. You have stated that you consider those results to be partly the results of the system; to what other cause do you attribute such results?—To that sort of commercial spirit which underlies the British character, and which makes us unwilling to look upon the architectural decoration of the metropolis as a matter of imperial interest.

4058. That is to say, as regards those who construct those buildings?—Those who construct, and those who ought to supervise the construction.

4059. That is to say, that those who design and supervise the construction of those works look to mere utility, and do not consider sufficiently the ornamentation of the metropolis?—Precisely.

4060. But that utility and economy can be combined with better forms?—Of course, because the essence of architecture is proportion; decoration comes next.

4061. Does it necessarily follow that, being a railway bridge across any of the roadways, at Ludgate Hill or elsewhere, by improving its form you add to its cost, or diminish its deficiency for the purpose for which it is designed?—Certainly you do not diminish its efficiency, and I should think that it could be so managed that the addition, if any, to its cost, would be fully repaid by the increased beauty.

4062. So that, in addition to the system, you consider that there is a want of taste and feeling for those matters at present?—Yes; at the same time, there are symptoms of improvements.

4063. Do you think that it would be sufficient to look to the improvement of public taste to guard us in future against such results as we have seen from the present state of things?—Certainly not; I take up the matter at the other end, and say that the improvement in public taste has brought us to a time when the improvement of the branch of the public service connected with taste questions ought to be faced.

4064. That is to say, that the cure by the whole nation being impregnated with better taste would be a very remote probability, and that the evils which would, in the meantime, result, would render it hopeless ever to embellish London; but that, in the meantime, you think there is such an improvement in public taste as would sanction and approve the establishment in this country of an improved state of things as regards administration?—I think decidedly so, from the very obvious consideration that the improvement in public taste must begin last in those professions and those public bodies which have the power, in the interest investment and return, of inflicting the largest constructions on the town and the country.

4065. The appointment of this Committee by the House of Commons is a symptom of that improved state of public feeling, is it not?—Certainly.

4066. And the report which we have already issued, which has been the means of saving, we hope, to a certain extent, the new Embankment from being wasted on a comparatively unnecessary public road, has been approved, as far as one can judge, has it not, by the public generally?—Decidedly so; there are many fragmentary

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symptoms, I may say, of an improved taste. We see, for example, at Charing Cross, in Piccadilly, and at other places, architectural forms introduced into shop fronts; and carving, marbles, terra-cotta reliefs, and other ornamental resources brought in, which 20 years ago would never have been dreamt of.

4067. And from those signs which you now see springing up around, are you of opinion that the public (and by the public I mean not only persons like yourself who take a special interest in these subjects, but the public generally) would be prepared and would wish to see some improvement introduced by the Government in the management of all those matters?—Decidedly, if judiciously introduced.

4068. Have you yourself considered how much a change of system could be judiciously introduced, and to what you should ultimately look for such an improvement?—I have. I put in at our last meeting an extract from my address as President of the Institute of Architects. I may state that I brought out the same views rather more broadly, in answer to a question from yourself, before the Royal Academy Commission in the year 1863; and I have in various ways, previously and subsequently, tried to impress the same ideas, speaking generally, upon the public.

4069. Perhaps, before you suggested what you think ought to be, you would state where you consider the chief defect in the present system of administration of those matters in this country to lie?—By the system of administration, I suppose you mean the bureaucracy of the country.

4070. I do?—I conceive that our present system is wholly inefficient, from neither giving sufficient power nor sufficient dignity to that department of State which has the general control of those matters, by making the First Commissioner of Works sometimes a member of the Cabinet and sometimes not; and by the rule or custom (whether it is a rule or a custom, I know not) which confines the selection of that official to one of the two houses of Parliament.

4071. You say, in your answer to my question, that you consider the defect is in not giving sufficient control; is not the primary cause of the evils which we see, the fact of there being no Government officer at present who has any control whatever over the majority of those matters?—I meant to include that in my general answer.

4072. That is the foundation of the defect in the system, is it not?—Yes.

4073. You would give greater authority to the First Commissioner, and you would make him a Cabinet Minister?—I should, always. I would state that the history of the creation of the office seems to explain the reason of the defect to which I have alluded. Those who have arranged the administrative system of England seem never to have faced fairly and squarely the idea of having a Minister of Architecture and Arts, but in consequence of the large amount of landed property which, by the arrangement in the time of Geo. 3, passed under the control of the nation, a mere national land steward was appointed to look after that land. That land steward gradually absorbed in himself the artistic control of portions of the national domain, whether parks, gardens, or buildings, which had something of an artistic character about them; and rather more than 20 years ago, I think, during the first administration of Lord Russell, the office was cut in two, the land-stewardship being made a permanent office, and the æsthetic portion of it remaining an office changing with the Government of the day, but at the same time not being, as I said, put upon a complete and satisfactory basis.

4074. The First Commissioner of Works is now, as regards public buildings, little more than the builder of the Government and of the nation, is he?—Very little more.

4075. And from not being necessarily in the Cabinet (as for instance the present Minister is not in the Cabinet), the plans of the First Commissioner are submitted to that Cabinet, without his having any voice either in the explanation or defence of his projects and plans, is not that so?—Precisely so; I believe that Lord John Manners has been the only First Commissioner who ever has been in the Cabinet since Sir William Molesworth was in the Aberdeen Cabinet, and that carries us back 15 years.

4076. So that the First Commissioner and his plans, under the present system, are liable to be sat on by every Cabinet Minister who holds an office for which expenditure is necessary, and who would probably look to getting funds for his own office in preference to getting them for another department not represented on the Council, would not that be so?—Yes; I think we had an example not long ago, in the case when the Chancellor of the Exchequer proposed *ex tempore* to adopt a forgotten design of Inigo Jones's for the Law Courts, without consultation with the First Commissioner.

4077. Is it not probable that if the First Commissioner of Works had had a seat in the Cabinet, they would have agreed upon some plan which would have come before the public in a different form, and which would have been proposed on the responsibility of a minister responsible for those works, and not of the Chancellor of the Exchequer, who is supposed only to have found the money for them?—It is to be hoped that such would have been the case.

4078. At least there would have been a better chance of it than there is now, would there not?—Yes.

4079. Then you would have the First Commissioner in the Cabinet?—Undoubtedly.

4080. Would you think it necessary to change his title from that of First Commissioner to that of Minister of Works?—I use the word "Minister" because it is the shortest vernacular; but it is the genius of the English people never to call a minister a minister; you might call him a President, or you might call him a Secretary of State, but that might frighten some people; I really think the name is very indifferent if you get the thing.

4081. You use the word "minister," then, merely as indicating increased authority; and whether he be called First Commissioner, President, or Minister, it matters not, provided he has authority and position in the Cabinet?—Quite so. I may incidentally remark that, as I elicited in the examination through which I put Mr. Cole, there are certain artistic attributes belonging to the Educational Department, which is at present worked by the Lord President and the Vice-President, which I think are more cognate to the Office of Works than they are to the office of primary education. I mean everything which depends upon South Kensington. I should myself be disposed, in a redistribution of public works, either to give the First Commissioner of Works some concurrent power

power at Kensington, or to remove that to his department; but that is a matter of detail.

4082. Mr. *Gregory.*] What is the reason that the minister is called "First" Commissioner of Works?—The reason is this: the old department of Woods and Forests was composed of three Commissioners, the First Commissioner being removeable, and the other two permanent. When the Woods and Forests was broken up under Lord Russell's Government into two departments, the permanent Commissioners remained behind as Commissioners of Woods and Forests, while the removeable man was transferred to the Public Works; but the name of "First Commissioner" was kept; and, as a justification of the name, certain high officers, three Secretaries of State (so I learn) and the President of the Board of Trade, are put in the commission with him, though they take no part in the administration of his office. It is like the Board of Control; before the President became Secretary of State, he was really the sole Minister at the head of a nominal board. The same may be now said of the President of the Board of Trade, since the recent abolition of the Vice-Presidentship, and the substitution of a secretary.

4083. *Chairman.*] I presume that you would not be disposed to make the office of First Commissioner, or whatever title this minister takes, other than a Parliamentary office?—I should be decidedly opposed to that.

4084. You are aware that recently, since the Right honourable Member for Southwark came into office, there has been a change made in the constitution of that office; that is to say, that before that time there were two secretaries, one with a salary of 1,200 *l.* a year, and the other with a salary of 800 *l.*, with an architect who was attached to the office; and that the present First Commissioner has done away with the architect, as attached to the office, and has made an architect, Mr. Fergusson, one of the permanent secretaries; Mr. Fergusson being the first person appointed to that office; do you approve of that change?—Decidedly; I think it does all the good which those reformers contemplated who wished to have made the office of First Commissioner permanent.

4085. Would you think it desirable that the First Commissioner of Works should be, as a rule, in the House of Commons or in the House of Lords?—I think that it is desirable that Architecture and Arts should have a representative in both Houses. That can only, of course, be effected by there being a minister, an under-minister, and a permanent secretary, as there are at present in the other great departments. It is very clear that whatever functions the House of Lords may or may not exercise with the good-will of the country, and to its advantage, all questions relating to matters of taste and art are, from the circumstances of the position and education of many of the Peers, topics such as may with very great profit be ventilated in the Upper House. At present the House of Lords is cut off from what would be a most useful branch of its business, for the simple reason that there is no mouthpiece of the Government in that House prepared officially to answer questions on these matters; and that defect operates, not only against the efficiency of the House of Lords itself, but against the whole art system of the country. A commoner, Mr. Layard for example, or yourself, or other persons whom I need not name, have a temptation to study those questions, because they may take their place in the public administration of the country as First Commissioner of Works; but a Peer has no such temptation; he is disfranchised in all such matters, and therefore, if he has any political ambition, there is a direct discouragement against his studying those questions in which he might be useful to the country. On that account, therefore, I think that it is very desirable indeed that the Minister of Works might sit in either House. At the same time, it is obvious that if he is in the House of Lords, the Office of Works must have a mouthpiece in the House of Commons; and I therefore come back to the conclusion that there ought to be a minister and a moveable secretary (to be in the position of the Secretary of the Poor Law Board, or the Secretary of the Board of Trade), either office to be tenable by a Member of either House, so that there should be an official mouthpiece in both Houses of Parliament.

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4086. Mr. *Gregory.*] Would you consider the department to be sufficiently represented in the House of Lords if one of the noblemen who have Court appointments were attached to the Office of Works, and would it not be an excellent training for any young man?—Excellent, if he would sit so many hours a day in Whitehall-place, looking over plans and estimates. At the same time, I rather like calling people what they are, and if you are to have a secretary for the House of Lords, I do not see why he should be called a lord-in-waiting, or an equerry, or a Lord of the Treasury.

4087. *Chairman.*] You would think it desirable, I presume, in addition to this permanent architect who has been appointed by the present First Commissioner, that there should be a permanent secretary, not changing with the Government, as there is in the Foreign Office and in the Home Office?—Undoubtedly.

4088. By that means the traditions of the office would be maintained; and the First Commissioner, being necessarily changing from his Parliamentary position, would have the benefit of the continuous knowledge of this permanent secretary, as to the traditions and the general work of the office, would he not?—Undoubtedly. In fact, the office, to sum up, should have a Minister, a Parliamentary Secretary, a permanent secretary, and an architect.

4089. You have heard it suggested, in the evidence before this Committee, that there should be attached to this office, under any re-constitution, a council of advice; do you agree in that?—I do. At the same time I may state that I attach more importance to the reconstruction of the office than to that addition; but I fully admit that the council of advice would be in the reconstruction of the office a considerable advantage.

4090. One proposal, as to the formation of such a council, has been that it should be thus constituted: a representative from the City Corporation; a representative from the Metropolitan Board of Works; another from the Institute of Architects; a fourth from the Institute of Civil Engineers, and a fifth from the Royal Academy; and further, that the mode of selection of those persons should be this: that each of those bodies should nominate three, or some other number, and that from the persons so nominated the First Commissioner of Works, or the Government, should select one to represent each body on this council; would you think that

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that was a desirable mode of forming such a council, both as regards the bodies to be represented and the means of representing them?—I think that seems a feasible scheme. There is a further question (which I desire to leave open), whether there ought not to be other members of that council who do not belong to either of those bodies directly nominated by the Government.

4091. Keeping those bodies so chosen as the council, might it not be possible, having in view what you have just said, and looking at the present system, which is that when any special building is to be erected by the Government, such as the National Gallery, the Law Courts, or the Foreign Office, they have persons specially appointed to act as commissioners, or as a committee of advice to consider the plans; might it not be desirable, in addition to this permanent council, when any special buildings have to be erected, to have persons called in, not with the power of voting, but as *amici curiæ* for the nonce?—I should give the fullest elbow-room, both to the regular council and to the supposed occasional assessors. I think that at one time it might be desirable to call assessors in without power of voting, and perhaps at another time to give them the power of voting, and at other times to pass over the stated council, and to have recourse, as now, to special commissioners.

4092. Would you be in favour of paying such a council of representative men?—I think that, after all, that is a matter of detail. You want to get good men; and you want to get the men cheerfully to give their time. If you cannot get good men, and if you cannot get their time cheerfully, I should pay them. At the same time, I should be jealous of letting the council become too exclusively a council of professionals, which might be the effect of paying them. I think that there might be a certain number of paid members, and a certain number of unpaid members. I should take the Institute of British Architects, for instance, which contains both professional "fellows" and amateur "honorary fellows," either of which classes ought to be eligible. It would be rather awkward if the question of selection between professionals and amateurs were to turn upon the question of payment.

4093. But might not the rule be that any member should be paid for his attendances, whether he were an amateur or professional, so as to do away with invidiousness?—Certainly, I should make the acceptance of payment obligatory upon all the members representing those societies, if you introduce it at all. At the same time, as I said, I am not averse to there being three or four unpaid amateur members also added to the council.

4094. Would you make the decision of such a council on any point binding on the First Commissioner; or would you constitute it (as many people think would be best) simply as a council of advice, leaving the minister to follow the advice, or not, on his own responsibility?—I should certainly not make it binding, because that would be making him only a Tycoon; and the new state of things would be worse than the old.

4095. I presume that you think it probable that although the First Commissioner of Works would have, and ought to have, the free exercise of his own discretion and responsibilities in those matters, he would necessarily be more or less guided and influenced by the advice of persons who were specially selected and chosen for their knowledge of the subjects referred to them?—Of course that is the only reason for a council. The First Commissioner would feel himself more or less bound, according to his knowledge and strength of character. A council of this sort would be a help in one way to a commissioner who had not made these things a special study; and in another, but equally useful way, to one who had particularly studied them.

4096. And to a certain extent it would meet possible evils from the constantly changing Parliamentary nature of the office of First Commissioner, would it not?—Precisely. The term of office of the council ought, I think, to be totally independent of any change of Ministry.

4097. What would you say would be a proper term of office for such a council; would you say three years, and let the members be re-eligible?—Yes; or two years and let them be re-eligible as a matter of course.

4098. Is there any further point to which you would wish to call the attention of the Committee with reference to this council, or the constitution of the office?—I may point out that, in this passage in my address as President of the Institute of Architects in 1865, I chalk out, rudimentarily, the idea of such a council. I should also wish to put in, as part of my evidence, the following answer which I gave before the National Gallery Commission in the year 1863: "My idea has always been that there ought to be a department of the State which should combine the artistic half of the vice-president of the Committee of Council on Education, and the artistic half of the Board of Public Works. There should be, in short, a Minister of Arts and Works; as it is, the Chief Commissioner of Works is powerless, because he is simply subordinate to the Treasury. The vice-president is also subordinate to the Lord President. In the meanwhile the efficient superintendence of Art is incomprehensibly divided between those two semi-ministers. I would have a substantial department of Art with a first-class Minister at the head of it, perhaps not so high as a Secretary of State, but a first-class Cabinet Minister who should stand on his own legs and represent the artistic side of the Board of Public Works, and the artistic side of the vice-president of the Committee of Council on Education. A Parliamentary under secretary of the calibre of the Secretary of the Poor Law Board would have to be constituted to take charge of the purely scholastic duties of the actual vice-president in subordination to the Lord President, who would be re-instated as the real Minister of Education. When this Department of Arts and Works has been created, we shall then want to keep the new Minister in check by a central regulating body for the various Art movements of the country which should be independent of the Government of the day. This central body I should look for in the Royal Academy, enlarged and strengthened. In the third place, we should have to constitute the British Museum of Mediæval and Renaissance Art, which is now under the thumb of the Committee of Council, under some responsible Board (answering to the trustees of the British Museum) who should correspond with, though not be subservient to the new department." It will be observed that, in that answer, I forecast the idea of a council of advice. On that occasion I suggested that that council of advice should be constituted

stituted from the Royal Academy; but I do not wish to stand to that recommendation, while I do to the spirit of the Minister of Works being supported by certain recognised and expert advisers.

4099. Mr. *M'Clean.*] Is this council of advice to interfere with private buildings, or only with those erected by the Government?—I think that the Minister might have some control given over them in regard to all buildings of a public or *quasi*-public character which come before Parliament, and whose promoters have to apply for Parliamentary power to erect them; and that in every case where the Minister himself is brought in, he should bring in his council with him.

4100. But with regard to railway bridges, are you aware that engineers have great difficulty at the present time about railway bridges; that certain clauses are put in the Act regulating the width and the number of piers, or stating that there should be no piers at all; and that the headway should be the same across the whole extent of roadway? — I apprehend that we are now discussing exclusively London, or at the outside, London and the two other great capital cities. In the case either of London, or of London and our other two capital cities, I think it is reasonable that it should be obligatory that the designs of those bridges should be deposited at the Office of Works, and that the Minister, taking the advice of his council if he pleases, should have a power of intervening in regard to their architectural design; but the extent of that intervention I would rather not attempt to define, still less do I adventure any opinion as to the desirability of the First Commissioner intervening as to Act of Parliament constructions in the largest cities and boroughs of the Empire.

4101. Mr. *Gregory.*] I suppose that you would give power to the Commissioner of Works to order that a model should be presented to him upon all occasions where he might consider it desirable?—Everything which he thinks desirable to make up his mind, whether plans, elevations, sections, or models, as the case may be, I think he should have.

4102. Do you know what is the system in Paris with regard to private buildings, and whether there is any control at all exercised over private buildings?—I fancy very considerable. There was an edict of Louis XIV., which I believe has never yet been repealed, which limits the height of private buildings to 65 feet from the ground line up to the cornice. We must recollect that public buildings in Paris are not under the administration of the Minister of Public Works, but that they are under the administration of the Préfet of the Seine, who is well known now as Baron Haussmann. In all that we have done in this Committee, we have rather been constituting the First Commissioner of Works Prefect of the Thames, than putting him in the position of the Minister of Public Works in France.

4103. There is a Minister of Public Works, is there not, in France?—There is, and that is one of the Great Departments of State. Under the old Parliamentary system, he was always in the French Cabinet, and he is so now.

4104. Is he able to exercise his functions within the limits of Paris in any way?—I am not aware. I should imagine that in Paris he must be considerably over-shadowed by the Préfet.

4105. *Chairman.*] Would you limit the action of the Government and this council in their interference in any way with public works to the works of public bodies, corporations, or companies, which came before Parliament for Parliamentary powers?—I think that our whole system would make it impossible, as things are, to go further; I do not say in the interests of art, whether a greater interference might not be desirable, but I think that it would be exceedingly unpopular, and impossible to work under our constitutional system; I should be satisfied with so much gain.

4106. You consider that in this free country (as we boast ourselves to be), it would be perfectly legitimate that any public body, whether it is a railway, or whether it is a public body, or corporation in the metropolis, which comes before Parliament for special powers, should have some person controlling the exercise of those powers in the matter of the buildings they erect?—I think so, decidedly; though there would be probably some difficulty in organising it. The Committee are, no doubt, aware that the law of lights is one of the most troublesome and difficult things in the world, and that many buildings are totally spoilt by the interference of a vexatious neighbour, who thinks that his rights are interfered with. In any legislation of this sort, you would have, I think, more or less to overlook this whole question of lights. I do not know how you would do it, but I simply throw it out as a possible difficulty in the way in simplifying the system.

4107. At the present moment there is a Building Act which regulates all questions of light, so that the question of æsthetics would have to be subservient to the conditions laid down in the Building Act as regards light, would it not?—No doubt.

4108. Would you consider it at all derogatory to any public body to have a representative on some such general council as that of which we have spoken?—I should say that it was an honour and a compliment.

4109. Mr. *Buxton.*] Are you aware that the Building Acts in the metropolis, as well as in many other towns in England, forbid any projecting window, or any other projection from the walls over the footway, and thereby most seriously interfere with the architectural beauty of the streets?—I am aware of that; and I am aware, too, that the whole legal question as to the Building Act, and to the rights of neighbours, is in a most chaotic state. I had occasion to consider that question when I was president of the Institute of Architects, when there were grave debates on this subject, in which it comes out that the architects themselves, who were the most interested in knowing where their rights lay, were in a state of great confusion upon the matter. There are antagonistic parties always brought face to face in such matters, lawyers and architects, and they have not at all squared it. I believe that in Paris the law which is analogous to our Building Act is even more despotic than it is in England.

4110. Mr. *Gregory.*] Would you alter the law in any respect, so as to give greater latitude to private persons for the embellishment of their houses?—That is too wide a question to go into now; I was merely pointing out that if we once set the stone rolling there are many questions beyond.

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4111. *Chairman.*] You have been, have you not, for a great many years, one of the Secretaries in the Office of Works?—For 13 years.

4112. Was your first appointment in the office before, or since the reconstitution of the office?—Since the reconstitution; since the separation of the Office of Works from the Office of Woods, which took place in 1851.

4113. The question has arisen here to-day as to why the First Commissioner of Works is now called First Commissioner; are there any other Commissioners?—There are other *ex officio* Commissioners. The title of First Commissioner of Works simply means that he is the first-named on the warrant.

4114. Who are the others?—The Secretaries of State; the President and the Vice President of the Board of Trade are *ex officio* Commissioners.

4115. Which Secretaries of State?—The Home, Foreign, and Colonial Secretaries.

4116. What is the connection between the Foreign Secretary and the Office of Works?—There is no connection between them; he merely is included as one of Her Majesty's Principal Secretaries of State.

4117. Until the present First Commissioner came into office the other day, there were two secretaries, were there not, a first secretary, and an assistant secretary?—Yes.

4118. At the present moment are there two secretaries?—There is a secretary, who has charge of the correspondence, accounts, and general business of the office; and there is a Secretary of Works and Buildings, to whom are entrusted special architectural questions, the supervision of architects' plans and estimates, &c.; there is also an assistant secretary.

4119. Do you consider that the office is properly constituted at the present moment; that is to say, that the First Commissioner has sufficient power as a Minister, in relation to the position of other Ministers in this country, and to the importance of the functions which he has to discharge?—That must depend very much upon the nature of the functions intrusted to him. According to my view of the duties which the First Commissioner ought to be called upon to discharge, his powers are not sufficient.

4120. Do you think that his powers are not sufficient, looking only to the functions which he at present exercises?—Looking at the functions which under the present constitution of his department he has the power of exercising.

4121. And clearly, if those functions were extended *à fortiori*, it would be the more necessary, would it not, that his powers should be increased?—Yes.

4122. I suppose you point by what you have stated to the fact that he is not necessarily a Member of the Cabinet?—He is not necessarily a Member of the Cabinet.

4123. From your experience in this office, do you think it desirable that the First Commissioner of Works should be *ex officio* a Member of the Cabinet?—I think there would be a considerable advantage in his being so.

4124. At the present moment, I imagine, he submits to the Cabinet plans and estimates, without having the means of explaining those plans, and defending them if they are objected to in the Cabinet?—I have no doubt that he has the opportunity of defending plans if they are objected to.

4125. Does the First Commissioner ever attend Cabinet Councils to defend and explain his plans?—There have been such cases; but they are rare.

4126. At the present moment, what power has the First Commissioner of controlling in any way any public works in this metropolis, or in Dublin, or in Edinburgh, or in any other large towns in this country?—His control over public works in the metropolis and in Edinburgh (he has none as regards Dublin) is entirely confined to works, the expense of which is defrayed out of a Vote of Parliament.

4127. You say that he has no authority in Dublin; by whom are those matters regulated in Dublin?—There is an Irish Board of Works.

4128. Is it wholly independent of your Board?—Wholly independent of our Board.

4129. Who is the head of that Board?—I am not aware who is the head at present.

4130. Is that a permanent Board?—It is a permanent Board, and not a representative Board.

4131. Then, in the case of any public building which is erected there with money voted by Parliament, has no Minister of the Crown any authority over the expenditure?—I imagine that the Secretary for Ireland would have control over it, acting under the advice of the Irish Board of Works.

4132. Mr. *Beresford Hope.*] Has your office any control over Irish matters?—We had control until recently over the Phœnix Park; but not architecturally over the buildings in Dublin.

4133. When did you give up the control over the Phœnix Park?—Speaking from memory, I think it was about nine years ago, and the Irish Board of Works has now taken it up.

4134. *Chairman.*] Is that a Royal park?—It is a Royal park; it was placed under our management when the offices were separated.

4135. Why did you give up the control of it?—It was considered desirable by the Treasury, I believe, that as we had no control over buildings in Ireland, or any other Irish property, we should give up possession of the Phœnix Park.

4136. Then, so far as you know, although as regards London and Edinburgh there is control exercised by your office through the First Commissioner in Parliament over money voted by Parliament and expended on public buildings, Parliament has no control whatever over money voted for such purposes in Ireland, unless there be some control exercised by the Irish Secretary?—That is my belief.

4137. But you cannot speak positively as to that?—No.

4138. Mr. *Gregory.*] Have you control over works in Scotland?—Over certain works in Scotland, the expense of which is defrayed out of Parliamentary grants.

4139. Do you know the cause why this change took place eight or nine years ago?—That change only referred to the management of the Phœnix Park, and not to the public buildings.

4140. Mr. *Beresford Hope.*] Can you from private information tell us who is the head of the Irish

Irish Board of Works?—Sir Richard Griffith was the head of the Irish Board of Works.

4141. Was Sir Richard Griffith an official or an architect?—He was an engineer, certainly; but he had some architectural knowledge.

4142. Is the position of the head of the Irish Board of Works a permanent one under the Lord Lieutenant and the Irish Secretary?—That is his position, I believe.

4143. *Chairman.*] In Edinburgh there are public works which are superintended by your office; for instance, the new Post Office was erected under designs which were prepared by some of your officers, was it not?—Those designs were prepared by our officer in Edinburgh, and approved of by the First Commissioner.

4144. Have you an officer in Edinburgh who communicates directly with your office, and who is appointed by the First Commissioner?—Yes.

4145. Mr. *Beresford Hope.*] What is his title?—He is assistant surveyor of works in Scotland.

4146. Is he an architect?—He is an architect. Mr. Matheson is the present officer.

4147. *Chairman.*] His office is not confined, then, to works in the metropolis of Scotland?—His office extends to all works in Scotland.

4148. What works in Scotland are there, besides public buildings in the metropolis, of which he has charge?—Glasgow Cathedral is under the Office of Works, and there are certain works there which are carried out by him.

4149. The works at Glasgow Cathedral you say are being carried out under Mr. Matheson's superintendence; how does Glasgow Cathedral happen to be under your office; was it always so, or has it been taken lately by your office?—It has been always so.

4150. Mr. *Beresford Hope.*] Is it not the fact that prelacy having been abolished in Scotland, the State entered into the property in more or less of the cathedrals?—That is so.

4151. I think you have under you Elgin Cathedral, and one or two others?—We have.

4152. And you have also under you some palaces, have you not, such as Linlithgow and Holyrood?—Yes, and one or two ruins, the expenses of the restoration of which have been defrayed out of the votes by Parliament.

4153. Mr. *Gregory.*] Do you think that there is any reason why the same power should not be given to the Board of Works in Ireland as it has with regard to Scotland?—Not at all, if its powers are to be extended; but the powers of the Board of Works are of course limited in this country, and there are a vast number of public buildings in this country which are not under the Office of Works; such as Inland Revenue, Customs, and Admiralty buildings, prisons, barracks, &c.

4154. Looking at Dublin as the capital of Ireland, do you not think that it might fairly be brought under the management, as regards those public buildings, of the Office of Works, just as is the case in Edinburgh, the capital of Scotland, or do you think there would be any objection to it?—There would be no difficulty on the ground of management.

4155. *Chairman.*] In Scotland parks are under the Office of Works, are they not?—Yes, the Queen's parks.

4156. How is the Phœnix Park maintained now?—That is maintained by a vote of Parliament under the Irish Board of Works.

4157. Mr. *Beresford Hope.*] I suppose that the Irish Board of Works communicates directly with the Treasury, does it not?—It does.

4158. Do you not consider that, viewing the different circumstances of the Church of England, it would be totally impossible and undesirable to hand over the English cathedrals to the Board of Works?—If the honourable Member's question has reference to the care of monuments and repairs, I imagine that there would be very great difficulties attending such an arrangement.

4159. Mr. *Gregory.*] Are you aware of the confusion which at present exists in what I may call the general control department of public works in Ireland?—Yes, I have heard of such confusion.

4160. Has it ever come to your knowledge that there have actually been three different authorities at once employed in executing works in the same department, all of which works may be considered more or less connected with one another?—No; that has not come within my knowledge.

4161. Have you never heard that the Science and Art Department, the Board of Works, and the Royal Dublin Society, were all engaged simultaneously in works in that department?—I have not.

4162. Mr. *Beresford Hope.*] We have heard of a good many competing departments which have the care of different public buildings in London and elsewhere; has not the Lord Great Chamberlain a certain control over this and other buildings?—Yes.

4163. May I ask what is the nature and extent of that control?—That control does not at all apply to architectural matters; it is more as to internal arrangements and the economy of the buildings.

4164. May I ask you to explain those terms further; can the Lord Great Chamberlain alter the distribution of furniture and the use of the rooms? — He has the power to control the assignment of the rooms and the occupation of them.

4165. Has he that power in this Palace of Westminster?—In the Queen's Palace of Westminster.

4166. Who puts him in motion; does the Speaker, or does the First Commissioner of Works, apply to him for what he wants?—I think that he is moved according to the circumstances which arise. I think there is no particular motive power.

4167. Are we, for example, sitting in this Committee-room now by his pleasure?—I imagine if you go to the very root of the thing you are doing so.

4168. Mr. *Gregory.*] Has he ever exercised that power of interference in this Palace?—I am not aware that he has.

4169. Mr. *Beresford Hope.*] Has he not the patronage of the refreshment hall in the lobby?—Yes.

4170. In point of fact, then, that is a dormant authority, except in special cases?—To the best of my belief that is a dormant authority.

4171. In this building, practically speaking, does the Speaker control the arrangements, and is the First Commissioner his builder?—That is, practically, his position.

4172. Under whose control is Buckingham Palace and the very large and handsome garden belonging to it?—The Palace is under the charge of

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of the Lord Chamberlain, and the garden is under the management of the Lord Steward.

4173. They are both treated as the Sovereign's private residence and domain, are they not?—They are both treated as the Sovereign's private residence and domain, being a palace in the personal occupation of the Queen.

4174. Then has your department nothing to say to it?—We have nothing to say to that.

4175. And I suppose the same condition applies to the Castle and private grounds of Windsor?—The condition applies to Windsor Castle and the grounds.

4176. Who has the control of St. George's Chapel; is that looked upon as a Royal Chapel?—That, I believe, is under the control of the Dean and Chapter of Windsor, as if it were a cathedral.

4177. With these exceptions of the private residences of the Sovereign, the buildings under the control of the War Department, the Admiralty, and the Customs and Inland Revenue Departments, and the dormant authority of the Lord Great Chamberlain, all public buildings are under your control, are they not?—All public buildings which appear in the Parliamentary estimates are under the control of the Office of Works.

4178. We know that there is no official relation, but is there any degree of unofficial communication between your office and the Metropolitan Board of Works and the Corporation of London, in reference to buildings of a public character in London?—None.

4179. *Chairman.*] You have stated that this control, which is exercised by your office through the First Commissioner of Works, does not even extend to such public buildings as barracks, Customs, and Inland Revenue buildings; are there any other public buildings to which that control does not extend?—Yes; it does not extend to public prisons and public hospitals.

4180. Is Greenwich Hospital under your care?—No.

4181. What other hospitals are under your care?—Chelsea Hospital, so far as regards certain repairs, &c.

4182. By "public hospitals" do you mean such a hospital as St. George's?—No, I mean such a hospital as the Netley Military and Naval Hospital, which may be called a government hospital.

4183. Would you think it desirable that some control should be exercised by your office over the outsides, at any rate, of those buildings?—It has always appeared to me to be desirable that there should be some control in one department with regard to the buildings in the metropolis.

4184. The barracks at Knightsbridge, for instance, are in a very prominent position in the metropolis. Supposing that it was determined that new barracks should be erected at Knightsbridge, who would have the erection of those barracks?—The War Office, I presume.

4185. Money would be voted to the War Office, and plans would be got from the War Office, probably from the Royal Engineers, and neither the Office of Works, nor the Board of Works, nor any other authority in the metropolis, would have any control over anything which the War Office might erect; would that be so?—Probably in the case of the barracks you have mentioned, the Office of Works would be consulted, inasmuch as the site is in Hyde Park; but in the case of any other barracks, where property under the charge of the Office of Works was not affected, they would not be consulted.

4186. There is nothing to necessitate their being consulted, is there?—There is nothing to necessitate their being consulted.

4187. It would be an act of grace, then, would it not, in the case of the Knightsbridge barracks, on the part of the War Office, in consideration of their property abutting on the public parks?—Yes.

4188. Was your office consulted in the case of Chelsea Barracks?—No.

4189. Was your office consulted in the case of the Wellington Barracks?—No.

4190. Those barracks are in almost the most prominent public places in the metropolis, are they not?—Yes.

4191. I do not say whether they are or are not disfigurements; at any rate, as far as regards any controlling power exercised by your department, they might have been hideous constructions, might they not?—We have no power of interference.

4192. Does the same condition of things apply to prisons?—The same thing applies to prisons.

4193. Our prisons are in open spaces, and in prominent positions, such as the Penitentiary on the river bank; that occupies a very prominent position, does it not?—Yes.

4194. Had the Office of Works any control over the architecture of that building?—None.

4195. The prison at Pentonville is in exactly the same position, is it not?—Yes.

4196. We will take another description of public buildings; there is Her Majesty's Stores, Pimlico, on the Thames Embankment; is that under the control of your office?—No.

4197. Then I presume, from your remarks, that you would consider it very desirable, with a view to the embellishment of the metropolis, that there should be protection, at any rate, against the erection by other public boards, such as the War Office or the Home Office (by whom I presume the prisons are erected), of buildings which would be a disfigurement to the metropolis?—It appears to me desirable that that control should be given to one department.

4198. The parks, I presume, are wholly under your office?—The Royal parks are entirely under our office.

4199. Does that include Kensington Gardens?—That includes Kensington Gardens.

4199.* Certain other parks under the Metropolitan Board, I believe?—Yes.

4200. Mr. *Beresford Hope.*] Are there not certain ancient parks which are technically called Royal parks, and other modern parks, such as Victoria Park and Battersea Park, which are also under your office?—Battersea Park is placed by a special Act of Parliament under our charge, as the Battersea Park Commissioners; Victoria Park is a Royal park.

4201. May I ask you how you stand now as regards Epping Forest, which seems to be trembling in the balance, as to whether it should become a town or whether it should remain a place of recreation?—That question is not in such a position as to enable me to answer it. It is in abeyance. There are certain legal questions pending at present which are unsettled.

4202. *Chairman.*] All Royal palaces are under you, wherever they are situated, are they not?—Yes; with the exception of a certain outlay upon them, the expense of which is defrayed out of the Civil

Civil List, and is in charge of the Lord Chamberlain.

4203. Is the Castle of Dublin under you?—No.

4204. Is that under the Irish Board of Works?—That is under the Irish Board of Works.

4205. Do you consider that it would be desirable to give your office control over works in this metropolis which are conducted by public bodies, such as the Metropolitan Board of Works, or railway companies, or water companies, or gas companies, or the Corporation of the City of London. I mean by that bodies which have to come to Parliament for Parliamentary powers before they can execute those works?—I think it would be a matter of great difficulty to give us control over works, the expense of which is borne out of local taxation.

4206. Complete control?—Complete control.

4207. Would you think it possible that that control might be exercised by constituting a representative board, which might act as a council of advice to the First Commissioner in such matters?—By strengthening the position of the First Commissioner you might obtain that control.

4208. That is to say, by making the First Commissioner's office an important one, and by giving him æsthetic (if I may use the word so applied) control over all such buildings as these to which I have referred, you think it might be possible to establish such a council, and to give them such control, assuming that the different public bodies are represented on that council?—If the First Commissioner is to be responsible for buildings in the metropolis, and to be responsible for buildings erected in the name of his office, I think it would be very desirable to give him certain powers of resisting what I may call external interference.

4209. I presume that you think it is absolutely necessary, in order to guard in the future against the evils which we have seen in the past, and which are going on at the present time in the erection of buildings by public companies and corporations, that there should be some control somewhere?—That, I think, very desirable.

4210. Do you think that that control should rest anywhere but in the First Commissioner?—No, I think that is the proper place for it.

4211. Therefore, what one has to do is, in vesting a control in the First Commissioner, to endeavour to do justice to all other interests, and to see them fairly represented in that control?—Yes, if that could be arrived at.

4212. It has been suggested that a council of advice might be formed, consisting of representatives from five public bodies; those public bodies being the Corporation of the City of London, the Metropolitan Board of Works, the Institute of Architects, the Institute of Civil Engineers, and the Royal Academy; would you not think that that would be a fair representative council, and that it would give you the best chance of getting the best advice in such matters?—I think that such a council might be of service to the First Commissioner.

4213. I presume that you would not wish, supposing it were thought that such a council were desirable, that it should in any way fetter the discretion and responsibility of the First Commissioner, but you would leave it with him to act, or not to act, upon the advice of that council, as seemed to him best. He would necessarily exercise moral control, more or less; but would you make the advice of such a council absolutely binding upon the First Commissioner?—I think one of the objects of that council would be to relieve the First Commissioner of a certain amount of responsibility, and therefore I think that it would be desirable that he should be guided by their opinions in the main, but certainly that he should not be fettered by them.

4214. If such a council was appointed, persons being selected for it who were supposed to be the fittest persons that could be found, if the First Commissioner were a reasonable being (and I presume that if he were not a reasonable being he ought not to be First Commissioner), he would be necessarily guided by their advice, would he not?—I presume that it would be part of the constitution of the office that he would have to consider it.

4215. Would you think it desirable that the First Commissioner should be a permanent official in this country?—I do not think that desirable.

4216. The permanent element you would find in a person who holds the office which you now hold?—What is wanted in the office appears to me to be continuity, and that you might arrive at without having a permanent First Commissioner.

4217. I presume you refer to arrangements similar to those which exist in other offices, there being gentlemen there of great experience and ability, who are permanent secretaries or assistant secretaries, and who carry on the traditions of the office, and give continuity to its policy, whatever that may be, whether foreign policy or home policy?—Yes.

4218. Mr. *Beresford Hope.*] May I ask what are the relations between your department and the office of Woods and Forests; do they ever call you in to design their buildings?—Never.

4219. Have they their own architects?—They have.

4220. And you are at present totally independent of each other?—We are totally independent of each other.

4221. Will you kindly state what is the extent of your control over the statues in the metropolis or elsewhere?—We have control over all statues erected subsequently to the 17 & 18 Vict. c. 33.

4222. Wherever they may be erected?—Wherever they may be erected, if transferred by the owners to the Office of Works, being situate within the Metropolitan Police District.

4223. But supposing they were erected in a private garden, but facing right up to the street, would they be still under your management?—No, they would not, unless specially transferred to us.

4224. For example, is the statue of Lord Herbert in front of the War Office under you?—That is under us.

4225. Older statues, like the very handsome one in Leicester-square, are completely private property, are they not?—Those are private property. At the time of the passing of the Act I have mentioned, certain statues were enumerated in the schedule, and that statue was not included.

4226. Mr. *Gregory.*] The statue of Lord Clyde is under you, is it not?—The statue of Lord Clyde is under us.

4227. Would you have the power of altering that statue in any way without the consent of the subscribers?—

Mr. *G. Russell.*

2 July 1869.

subscribers?—No; that statue was erected by private subscription.

4228. Mr. *Beresford Hope.*] Would you have equally the control of statues if they were hoisted on a pillar or an arch, and not standing on a pedestal?—Yes, I imagine so, it being always understood that that control does not extend to the approval of the design of the statue, unless our property is affected in any way.

4229. Mr. *Gregory.*] I suppose the First Commissioner could *proprio motu* remove the statue of the Duke of Wellington from the arch if he chose, could he not?—I imagine that he might legally do so.

4230. Mr. *Beresford Hope.*] Has not the Office of Woods and Forests anything to say about statues?—Not that I am aware of.

4231. I may state the fact, that a few years ago my consent, as the guardian of a minor whose property in Carlton Gardens was affected, was requested by Mr. Gore, it being then proposed to erect in that situation a statue of Sir John Franklin?—That is because that property is in the charge of the Commissioners of Land Revenue.

4232. Your rights, then, would cease in that case?—Our rights, as to the control over the statue would not cease; the statue of Sir John Franklin is in our charge.

4233. Then in that case there were actually two departments concerned, the Woods and Forests were concerned in putting the statue there, and now you are concerned in keeping it there, is that so?—That was the result of the accident of the ground being the property of the Commissioners of Woods and Forests. That might have happened to any private landowner, only it happened to be the property of the land revenue.

4234. Are the London squares considered to be public places?—According to the definition of a public place in the Act, a London square would not be considered one; I refer to such squares as Grosvenor and Russell-square.

4235. Mr. *Gregory.*] Would the Commissioner of Works have power to prevent a statue being erected in a public square, or to interfere in any way with the statue?—None.

4236. When it is once erected, does it come in any way under his control or supervision?—I believe not, in the case of a square, over which there is no public right of thoroughfare.

4237. Do you think it would be advisable that additional power should be awarded to the First Commissioner of Works to object to the erection of any statue in one of our public squares, such a statue becoming, as it were, a public monument?—I think that it would be advisable that he should have the power of expressing his approval or disapproval of any statues to be erected in a public place. Under the Act he has not that power.

4238. *Chairman.*] If he has control, what is his power over the statues in a square?—His control would be limited to such statues as might be placed in Parliament or Trafalgar squares, being public places within the meaning of the Act.

4239. Mr. *Layard.*] I presume there are public squares and private squares, some of the squares being public property?—Yes; some of the squares are public property, and some of them are private property.

4240. Mr. *Gregory.*] But still you would give power to the First Commissioner to object to the erection of any statue in a private square, would you not?—I think it would be desirable.

4241. *Chairman.*] To revert to the Council of Advice; do you consider that it could be better constituted as regards its representative character, than by being selected from those five bodies which I have mentioned, or is there any other body that, in your opinion, ought to be represented?—That would appear to me to cover all branches that would be necessary.

4242 It has been suggested that instead of those bodies being represented by *ex officio* members, such as their chairman or president, or whatever his title may be, or instead of their nominating one individual, they should each nominate two or three for the First Commissioner to select one from those two or three; would you agree in such a suggestion?—I have not considered the details.

4243. Do you consider that they should be paid?—That is a point upon which I do not feel that I could give an opinion.

4244. Is there any other point to which you would wish particularly to call attention?—I think not.

SECOND

REPORT

FROM THE

SELECT COMMITTEE

ON

HUNGERFORD BRIDGE

AND

WELLINGTON-STREET VIADUCT

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

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2. *Obstacle to the Acquisition of Northumberland House, with a view to a direct Road from Charing Cross.*
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3. *As to the Question of a Limitation or an Extension of the Powers and Action of the Board in respect of Public Works in the Metropolis.*
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Approval of a Natural History Museum on the reclaimed land between Hungerford and Waterloo Bridges with ornamental grounds attached, *Bidgood* 1742–1744. 1762–1764. 1810–1827——Greater convenience to the public by placing the Natural History Museum on the Embankment than at Kensington, 1810–1812. 1821–1828.

Decided approval of a Natural History Museum or other public building, on the site between Wellington-street and Hungerford Bridge, the road being abandoned, *Pennethorne* 2121–2125. 2147–2149.

Grounds for the conclusion that it is far preferable to place the Natural History Collection on the Thames Embankment site than at South Kensington, *Cole* 2200–2205. 2262, 2263.

Approval of the Embankment site for a new Museum of Natural History as far preferable to the South Kensington site, *Owen* 2319–2336——Importance of the Natural History Collection being in proximity to the library at the British Museum, *ib* 2327. 2338, 2339——Expediency, in any separation of the collections at the British Museum, of locating the Natural History Collection in a central position easy of access to the working classes, *ib.* 2328–2334.

Explanation of the grounds of objection by witness and numerous other men of science, some years ago, to the removal of the Natural History Collection from its present position, *Sir R. Murchison* 2368, 2369. 2372——Approval, for several reasons, of a removal of the collection to a site on the Thames Embankment instead of to South Kensington; similar approval on the part of several other trustees of the British Museum, *ib.* 2370–2393.

Witness is decidedly favourable to a site on the Thames Embankment rather than at South Kensington for a Natural History Museum, on the ground chiefly of the greater accessibility of the former to the working classes, *Huxley* 2394–2402——Not only witness but his brother naturalists approve of the Embankment site, a reorganisation and rearrangement of the collection being at the same time most essential, *ib.* 2403–2405.

Witness was selected by the First Commissioner of Works in 1866 as the architect to carry out Captain Fowke's plan of a Natural History Museum at South Kensington; has recently been in communication with the Office of Works upon the question of erecting the museum on the Embankment site, *Waterhouse* 2455-2463——Decided preference for a site on the Embankment as compared with South Kensington, *ib.* 2465, 2466.

Conclusions of the Committee favourable to the proposed erection of a Natural History Museum on the reclaimed land, *First Rep.* iv, v.

2. *Exception taken to the foregoing Proposition:*

Grounds for objecting, in the interests of the public, to the erection of a Museum of Natural History, or of any buildings, on the site reclaimed by the Embankment between Waterloo and Hungerford Bridges, *Hooper* 2672–2680. 2693–2695.

3. *Explanations*

MUSEUM OF NATURAL HISTORY—continued.

3. *Explanations and Suggestions relative to Plan of Buildings, and the Mode of Construction:*

Suggestions as to the arrangement of the proposed museum buildings, and as to the formation of ornamental grounds in connection therewith; conclusion that the museum as well as the grounds would be eminently calculated for public recreation, *Right Hon. H. A. Layard* 1467, 1468. 1476–1478. 1510–1512. 1531. 1545–1547. 1551–1554——Explanation that the Wellington-street roadway may be constructed at the rear of the museum, *ib.* 1471, 1472.

Witness recommends the plan of Captain Fowke for the Natural History Museum at South Kensington as one desirable for adoption in its main features if the museum be erected on the Thames Embankment; puts in a paper by Captain Fowke explanatory of the plan, *Cole* 2206–2211——Modifications contemplated in the plan of Captain Fowke if used for a museum on the Embankment site; facility of adopting the plan to the requirements of this site, *ib.* 2254, 2255. 2259–2261. 2281–2283. 2292–2294——Evidence in support of the use of red brick and terra cotta as the materials to be used in the construction of the museum; great durability of these materials, *ib.* 2255–2258. 2273–2280. 2314–2318——Greater durability of terra cotta than of granite or Portland stone, *ib.* 2255–2258.

Importance of all the galleries being lighted from the top, a building of only one story being the best, *Huxley* 2410, 2411. 2414–2419——Suggestions as to the library to be attached to the museum, the expense not being a serious matter, *ib.* 2412, 2413.

Approval by the British Museum trustees of the modified plans prepared by witness for the museum as proposed at Kensington, *Waterhouse* 2460, 2461——Facility of adopting witness's plan to the Embankment site between Waterloo and Hungerford Bridges; detailed explanations to this effect, *ib.* 2464 *et seq.*——Means of providing for a road at the back of the proposed building, *ib.* 2464. 2477–2481.

Suggestions and explanations as to the architecture and general arrangements of the proposed museum on the Embankment, as to the utilisation of the adjacent ground, and as to the approaches from the Strand, &c., *Waterhouse* 2467 *et seq.*——Modification by witness of the original design of Captain Fowke further adverted to and explained, *ib.* 2639–2641——Recent interview between witness and Mr. Fowler when it was shown that the railway need be no obstacle to the carrying out of witness's plan for a museum on the Embankment, *ib.* 2782, 2783.

Witness explains in detail a further plan for the proposed museum, and for the approaches, the building in the rear, &c., *Waterhouse* 2790 *et seq.*——Question as to the utilisation of the basement of the proposed building, the basement also being important as giving elevation and dignity to the museum, *ib.* 2822–2831——Necessity under No. 3 of witness's plans of taking a portion of Adelphi-terrace as well as other house property, *ib.* 2851–2861——Very little valuable property required to be taken under No. 1 plan, *ib.* 2862–2867——Important advantages of plan No. 1; facilities in connection therewith for the provision of recreation ground, *ib.* 2884–2895. 2900–2902.

Plans submitted by Mr. Waterhouse for a natural history museum on the site between the Charing Cross Railway and Waterloo Bridge, *App.* (*First Rep.*) 143.

4. *Area required for the Buildings:*

Requirement of an area of at least three acres for the proposed museum, including a library; the building to be of two storeys, and some of the galleries to be lighted from the side, *Owen* 2343–2349. 2355–2357. 2361–2367——Necessity of an additional two acres, looking forward to the wants of the next thirty years, *ib.* 2343, 2344.

Suggestions as to the area of the galleries, and as to the total space required for a museum on witness's plan; sufficiency of a building site of three acres for present and future wants, *Huxley* 2407, 2408. 2414–2423.

5. *Suggestions as to the Arrangement of the Natural History Specimens:*

Explanation of the plan of typical arrangement and exhibition of the natural history specimens, as advocated by witness and other naturalists, in opposition to Professor Owen's plan of exhibiting all the specimens; great advantages of witness's plan on the score of space, and as a means of instruction, *Huxley* 2406 *et seq.*——Plan proposed by which the specimens may be accessible to students by means of a gallery in the rear of the cases, whilst the public need not be excluded from the museum any day in the week, *ib.* 2409. 2432–2435. 2440–2442. 2449–2453.

Great interest taken by working men in museums; expediency of an improved arrangement of the specimens for their better instruction, *Huxley* 2436–2439——Enlarged facilities for instruction under the typical arrangement proposed by witness, *ib.* 2443, 2444——Non-adoption hitherto of this system in any foreign museums, *ib.* 2445–2448 2554.

MUSEUM OF NATURAL HISTORY—continued.

6. *South Kensington Site:*

Reference to a certain plan as showing the site at South Kensington on which it has been proposed to erect a Museum of Natural History, *Cole* 2196–2199——Objections to the South Kensington site as compared with the Embankment site, *Cole* 2200–2205. 2262, 2263; *Owen* 2319–2336; *Sir R. Murchison* 2370–2393; *Huxley* 2394–2402; *Waterhouse* 2465, 2466——In objecting some years ago to a removal of the Natural History Collection to South Kensington, witness and several others had chiefly in view a new arrangement of the specimens, which would have rendered removal, on the score of space, unnecessary, *Huxley* 2403, 2404.

7. *Adelphi Terrace Site:*

Consideration of a proposal for placing the museum on the high ground now covered with buildings between Villiers-street and Adam-street down to the front of Adelphi-terrace; sundry objections thereto on the whole, though the plan is not without some advantages, *Waterhouse* 2832–2850. 2868 *et seq.*

8. *Cost:*

Estimates of cost of a museum on the Embankment and at South Kensington, there being a saving of about 100,000 *l.* in the latter case, *Waterhouse* 2603–2622——Plan No. 1 would cost 582,000 *l.*; Plan No. 2, 697,000 *l.*; and Plan No. 3, 694,000 *l.*; that is, for the buildings alone, *ib.* 2603–2616——Increased expense of a site on the Embankment by reason of the greater depth necessary for the foundations, *ib.* 2622–2628——Increased cost also by reason of the greater elevation proposed for a building on the Embankment site, *ib.* 2628. 2642–2644——Estimate of 603,000 *l.* as the cost of witness's No. 4 Plan, *ib.* 2807.

Natural History Museum. See *Museum of Natural History.*

New Law Courts. Examination to the effect that if the New Law Courts are built at Carey street there will probably be an improved communication from Essex-street to the Embankment roadway, and that this would be a preferable route to that along the viaduct for persons going from the Law Courts to the Houses of Parliament, *Sir J. Thwaites* 322–354. 1269–1284——Necessity of an approach to the Embankment by way of Essex-street, whether the New Law Courts are placed on the Carey-street site or the Embankment site, *Right Hon. A. H. Layard* 1457. 1493–1496. 1501–1509. 1522–1525. 1537–1540; *Bidgood* 1746–1753. 1772.

Convenience in incorporating a station with the New Law Courts, and in providing a lift from the station to the different floors of the building, *Fowler* 1132–1137——Importance of due facilities of approach to the Law Courts if built on the Embankment land, *Layard* 1537–1540.

Conclusion of the Committee adverse to the proposed roadway, whether the New Law Courts be placed on the Carey-street site or on the Embankment site, *First Rep.* iv.

See also *Foundations. Vibration.*

Norfolk-street. Arrangements proposed as regards access from the railway to Norfolk-street, *Fowler* 1118–1122——Impracticable character of the gradient from the end of Norfolk-street to the Embankment, *Sir J. Thwaites* 1166, 1167——Very good approach to the Embankment by way of Norfolk-street, if the Law Courts were not built on the Embankment site, *Right Hon. A. H. Layard* 1555–1557——Arrangement in view for an approach road giving access to Norfolk, Arundel, and Surrey streets, *Creasy* 2763–2767.

Northumberland, Duke of. Information relative to the privileges conferred by section 53 of the Act of 1862, in the case of the Duke of Northumberland; that is, by giving him a right to certain building frontage created at the expense of the Metropolitan Board, *Sir J. Thwaites* 456–484. 519.

Northumberland House. See *Charing Cross to Embankment.*

Northumberland-street. Facility for communication from Northumberland-street to the proposed curved road from Charing Cross to the Embankment, *Pennethorne* 2049–2051.

Notices (Acquisition of Property). Statement as to the Metropolitan Board having served notices on all the parties whose property would be taken or affected by the roadway, except two, eleven notices having been issued, and four claims received, amounting to 32,874 *l.*, *Sir J. Thwaites* 164–178——Obligation upon the Metropopolitan Board to proceed with the acquisition or the properties, respecting which notices have been issued as being required for the proposed viaduct from Wellington-street, *ib.* 172–174. 535, 536. 545.

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Office of Works. Communication between witness and Sir John Thwaites, the result being that steps have been taken by the latter to keep in abeyance the construction of the road and viaduct, *Right Hon. A. H. Layard* 1490——Conclusion as to the satisfactory character of any arrangements between the Office of Works and the Metropolitan Board in respect of the utilisation of the Embankment site, if the diagonal road be abandoned, *ib.* 1515. 1557, 1558——Illustration of the powerlessness of the Office of Works, under certain circumstances, to prevent the disfigurement of public sites and buildings, *ib.* 3303. 3353–3355.

Question whether certain street improvements carried out by the Office of Works are not open to much objection, *Redgrave* 4041–4044——Approval of some permanent official in the Office of Works well capable of supplying information to the First Commissioner for the time being, as to the system of the office in dealing with architecture, *ib.* 4048.

Great importance attached to a re-construction of the Office of Works; suggestions on the subject, *Hope* 4069 *et seq.*——Advantage if the First Commissioner were a Cabinet Minister and might be a member of the House of Lords, and if there were a Parliamentary Secretary who might also belong to either House, so that the Department might be represented in both Houses, *ib.* 4069-4083. 4085, 4086. 4088, 4089——Advantage of a permanent secretary as well as of an architect, *ib.* 4087, 4088.

Duties of each secretary, there being also an assistant secretary, *Russell* 4117, 4118——Large number of public buildings in England not under the Office of Works, *ib.* 4153. 4177-4197——Complete independence between the Office of Works and the Office of Woods in reference to buildings, *ib.* 4178. 4218–4220——Advantage of a permanent secretary rather than of a permanent First Commissioner, *ib.* 4215–4217.

See also *Council of Advice. Fergusson, Mr. First Commissioner of Works. Metropolitan Board of Works. Plans and Models. Railway Structures. Statutes. Street Improvements.*

Owen, Professor. (Analysis of his Evidence.)—Approval of the Embankment site for a new museum of natural history, as far preferable to the South Kensington site, 2319–2336——Importance of the natural history collection being in proximity to the library at the British Museum, 2327. 2338, 2339——Expediency, in any separation of the collections at the British Museum, of locating the natural history collection in a central position, easy of access to the working classes, 2328–2334.

Requirement of an area of at least three acres for the proposed museum, including a library; the building to be of two storeys, and some of the galleries to be lighted from the side, 2343–2349——Necessity of an additional two acres, looking forward to the wants of the next thirty years, 2343, 2344. 2355–2357. 2361–2367——Suggestions on the subject of dividing the natural history library now at the British Museum, and of placing the Banksian Library with the proposed museum on the Embankment site, 2350-2360.

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Paris. Statement showing that in Paris, where the control over buildings, &c. rests with the State, there are large imperial contributions for municipal purposes, *Sir J. Thwaites* 3070-3084——Extensive powers exercised in Paris by the Prefect of the Seine, in regard to public Works, *Cole* 3563, 3564——Satisfactory system in Paris in regard to the construction of models or designs of public works proposed to be erected, *Redgrave* 3940–3942——Belief as to their being considerable control exercised over private buildings in Paris by the Prefect of the Seine, *Hope* 4102–4104.

Parks. Control of the Office of Works over the Royal Parks in London, whilst other parks are under the Metropolitan Board, *Russell* 4198–4200.

Parliamentary Control. Suggestion that the First Commissioner of Works, the Chairman of the Metropolitan Board, and the Lord Mayor might be associated as a body to report to Parliament upon proposed works, *Cole* 3518——Expediency of Parliament, through its Committees, acting as a Court of Appeal in matters of architectural taste, *Corrie* 3906-3911.

See also *Compulsory Powers. First Commissioner of Works.*

Pennethorne, James. (Analysis of his Evidence.)—Explanation in connection with some plans prepared by witness last year for laying out the Crown estate at Whitehall, including the Crown land or foreshore reclaimed by the Embankment, 1866 *et seq.*——Payment by the Metropolitan Board of 26,000 *l.* in respect of twenty-six acres of reclaimed foreshore, two-thirds of which sum went to the conservators of the Thames, 1879, 1880.

Reports, 1869—*continued.*

Pennethorne, James. (Analysis of his Evidence)—*continued.*

2133–2141——Very valuable character of the land reclaimed in front of the Crown property at Whitehall; power of the Crown to build upon it, 1883–1891. 2132——Statement as to the Metropolitan District Railway running under the roadway, and not interfering with the building powers of the Crown, 1889–1897.

Alternative plans prepared by witness, the one providing for public buildings on the Crown land, and the other for private buildings, 1898–1901. 1906. 1994–2003——Proposal by one plan for an approach to the Embankment opposite the Horse Guards, 1902–1905. 1998–2000——Details relative to the Crown property at Whitehall, showing the periods of the leases under which the different houses are held by the Crown tenants, and the extent of land now available for public buildings, 1912 *et seq.*

Explanation as regards the amended plan prepared by witness this year for dealing with the Crown land and the approach to the Embankment from Charing Cross, that such plan is brought forward in his private capacity and has no official sanction, 2004–2008——Sundry details in explanation and support of witness's plan for a curved approach from Charing Cross to the Embankment, by the side of Northumberland House; important advantages of such approach as compared with a direct road through the ducal property, 2009 *et seq.*

Opinion that unless there be a good approach from Charing Cross the greater part of the outlay on the Embankment will be thrown away, 2021, 2022——Several objections to a direct approach through Northumberland House and grounds, 2023, 2024——Great importance of the widening of the narrow part of Charing Cross, as provided for in the formation of the proposed curved road to the Embankment; necessity in any case of such widening in a few years, 2024–2033, 2084.

Facility of communication from Craven-street and Northumberland-street to the curved road, 2049–2051——Advantage of the curvelinear approach as facilitating the making of the Charing Cross Railway shed, 2052–2057——Consideration of the question of the erection of public buildings on the Crown estate at Whitehall, 2058–2069. 2113, 2114. 2143–2145——Evidence relative to the cost of the curved road proposed by witness; expediency of the expenditure, even though in excess of the cost of a direct road, 2070–2083. 2086–2092.

Greatly enhanced value of the Crown estate at Whitehall if the plan of a curved approach to the Embankment be carried out, 2093–2101——Necessity of taking a good many houses on Crown property if the Mall be opened up into Charing Cross, 2102–2108——Approval of a curved approach, whether private or public buildings be erected on the Whitehall site, 2109–2111——Contemplated saving of the expense of the Wellington-street road and of the extension of Whitehall Place if the curved approach from Charing Cross be carried out, 2115–2119——Importance of an approach to the Embankment near Essex-street, 2119, 2120.

Decided approval of a natural history museum, or other public building, on the site between Wellington-street and Hungerford Bridge, the road being abandoned, 2121–2125. 2147–2149——Explanation as to the proposed appropriation of certain reclaimed land to the houses in Whitehall Gardens, 2126–2130——Consideration of the relative rights of the Crown and of the Thames Conservancy to the land reclaimed by the Embankment; amount of compensation received in each case from the Metropolitan Board, 2150–2166. 2182–2185.

Examination upon the question as to the ratepayers of the metropolis being unfairly burdened, to the undue advantage of the Crown, in respect of the reclaimed foreshore, 2167–2181. 2186–2191——Statement as to the Crown requiring special clauses for its protection in the case of all Crown land wanted for public improvements, 2192–2195.

Pennethorne, Mr. (*Office of Works*). Statement explanatory of the present position of Mr. Pennethorne, he being no longer a salaried officer, *Right Hon. A. H. Layard* 3329–3338.

Percy, Dr. (Analysis of his Evidence.)—Statement to the effect that witness is not prepared to express any decided opinion upon the question of the vibration to be produced by the railway running along the Thames Embankment, but he considers an investigation of the subject very desirable, 708 *et seq.*——Inconvenience rather than injury likely to result from vibration, as regards adjacent buildings, 721–733.

Plans and Models. Great importance attached to the construction of models of all public buildings about to be erected; reliable means thus afforded for arriving at the cost and for ensuring that the estimates and expenditure agree, *Cole* 2212–2224.

Suggestions that all promoters of Bills be required to deposit plans in the Office of Works, *Sir J. Thwaites* 3151——Intention of witness to propose an amendment of the Standing Orders, so that all plans and elevations of railways, &c. may be deposited with the First Commissioner, as well as with the Metropolitan Board, *Right Hon. A. H. Layard* 3304–3307——Conclusion that all plans of works to be carried out by the Metropolitan Board should be deposited with the First Commissioner, *ib.* 3307–3310.

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Plans and Models—continued.

Great importance of publicity, and of the exhibition of designs and models, before any public or semi-public building is erected, *Cole* 3506-3517. 3616-3619——Contemplated submission of designs to the Office of Works, who might report to Parliament, *ib.* 3507-3510——Suggestion that the Standing Orders might be altered so as to provide the deposit of plans and elevations before any important works are sanctioned, *Corrie* 3912-3918.

Great importance attached to the construction and exhibition of models and designs on a large scale before any important works are carried out; practice hereon in Paris and at the South Kensington Museum, *Redgrave* 3940-3950. 4030-4034——Expediency of power in the First Commissioner to require the production of models, plans, &c., *Hope* 4101.

Sundry plans submitted to the Committee in illustration of the evidence of Sir J. Thwaites, *App.* (*First Rep.*) 138——Plans delivered in by Mr. Pennethorne, *ib.* 140——General plan showing the laying out of the South Kensington estate, *ib.* 142——Plans submitted by Mr. Waterhouse, *ib.* 143.

Conclusion of the Committee that the design and execution of unsightly works may be reasonably attributed to the fact that the deposit of designs, elevations, or models of projected works or buildings is not required when application is made for Parliamentary powers, *Second Rep.* iii——Resolution in favour of public companies or corporate bodies, when applying for Parliamentary powers for the erection of works in the metropolis, being required to deposit plans and elevations, and designs or models, at the Office of Works, *ib.*

Prisons. Want of control in some Government department over prison buildings in London, *Russell* 4192-4197,

Private Buildings. Check retained by the Metropolitan Board as to the architecture of houses built upon land disposed of by the Board, *Sir J. Thwaites* 1378-1384——Limited extent to which it is desirable that any architectural control should be exercised by the Board over private buildings, *ib.* 3243-3256.

Doubt as to the expediency of direct Government control over the character of private buildings as well as of public works; difficulty as to the law of lights and the rights of neighbours, *Hope* 4105-4107. 4109, 4110.

Provincial Towns. Approval of control in the municipal authorities of provincial towns as well as of London, in the matter of railway bridges, &c.; inexpediency, however, of any local councils of advice, *Lord John Manners* 3430-3435. 3440-3445.

See also *Metropolitan Board of Works.*

Public Building (*Embankment Site*). Belief that the land between Hungerford Bridge and Waterloo Bridge is in every sense a most eligible site for a public building, *Sir J. Thwaites* 1218-1223——Question considered as to the relative height of any public building on the reclaimed lands, and of the existing buildings facing the river, *ib.* 1401-1407——Expectation that the full value of the site will be paid over to the Metropolitan Board, if a public building be erected, *ib.* 1408-1411——Statement as to the open space still available east of Hungerford Bridge if a public building be erected on that site, *ib.* 1431-1436.

Effect of a diagonal road between Wellington-street and Hungerford Bridge in preventing the utilisation of the reclaimed land as the site for a museum or other public building, *Right Hon. A. H. Layard* 1467. 1473-1475. 1483, 1484——Responsibility upon Parliament if there be any omission or delay in preventing the construction of the diagonal road as precluding the erection of a public building on so excellent a site, *ib.* 1473-1475. 1483-1490. 1499——Consideration of the question of payment to the Metropolitan Board for a public site on the reclaimed land; due allowance to be made for the expenditure saved by the Board if the diagonal road be abandoned, *ib.* 1491-1499. 1513-1519. 1526——Slight difficulty apprehended as regards levels in constructing a public building on the reclaimed land, *ib.* 1527.

Further representation as to the claim of the Board to adequate payment from the Crown or from Parliament in respect of a site on the reclaimed land for public buildings, *Sir J. Thwaites* 1560-1564——Statement in favour of a public building on the reclaimed land, instead of the land being preserved entirely as an open space for purposes of recreation, *Bidgood* 1814-1820——Dissent from the view that there would be a great gain or saving by the metropolitan ratepayers if the expense of the diagonal road were not incurred, and if at the same time a site on the Embankment were sold for a public building, *Hooper* 2701-2712.

Conclusion of the Committee as to the reclaimed land being suitable as a site for public buildings, but not being available for the purpose on account of the provisions of the Act 25 & 26 Vict. c. 93, *First Rep.* iii——Effect of the formation of the roadway to render impossible the erection of any public building on the reclaimed land, *ib.* iv.

See also *Foundations.* *Museum of Natural History.* *New Law Courts.* *Reclaimed Land.* *Vibration.*

Reports, 1869—*continued.*

Public Opinion. Value of publicity before any railway works, &c. are proceeded with, *Cole* 3506–3517. 3616–3619——Expediency of an improvement in public taste as a means of improvement in railway works, &c., *Corrie* 3881–3883——Urgent want of some controlling authority and of public opinion being properly awakened, as a check upon the character of railway structures, &c., *Redgrave* 3940. 3950–3952. 3984–3987——Undue delay in the expression of public opinion with reference to railway bridges, &c., the whole of London being in the meantime in course of disfigurement, *ib.* 3984–3987——Symptoms of improvement in the public taste; inexpediency of relying upon such improvement as an adequate check upon future disfigurements, *Hope* 4062–4066.

Public Works and Buildings. Control of the Government in the case of all public works in the metropolis, the expense of which is voted by Parliament, *Sir J. Thwaites* 2964–2968.

See also *Barracks. Blackfriars Bridges. Charing Cross Railway Station. City of London. Compulsory Powers. Council of Advice. First Commissioner of Works. Gas Works. Metropolitan Board of Works. Office of Works. Paris. Parliamentary Control. Plans and Models. Prisons. Railway Structures. Responsibility. Thames Embankment.*

R.

RAILWAY STRUCTURES (METROPOLIS):

Evidence in detail as to the want of control in Government or in the Metropolitan Board as regards railway structures in the metropolis, the result being that stations, bridges, &c. are erected, which are a great disfigurement and a great public inconvenience, *Sir J. Thwaites* 2979-3045. 3135-3151. 3242——Insufficient weight attached to the representations of the Metropolitan Board in the matter of railways, bridges, &c., as in the case of Southwark-street and of Ludgate-hill, *ib.* 3183, 3184. 3193-3198.

Conclusion that the Metropolitan Board, as the representative body in the metropolis, should have control not only as to the works carried out by themselves but as to works carried out by railway companies, &c., *Sir J. Thwaites* 3201–3209——Examination to the effect that witness does not object to increased control in the Board of Trade on the subject of railways, as regards engineering questions, nor to an architectural control in the Board as to the elevations of railway bridges, *ib.* 3220–3227. 3233——Necessity of the judicious exercise of any control in the case of semi-public buildings, such as railway structures, hospitals, &c., *ib.* 3254. 3257–3259.

Evidence in support of the conclusion that the designs and elevations of railway structures, &c. in the metropolis should be submitted to the First Commissioner of Works, associated with a council of advice, *Right Hon. W. Cowper* 3267 *et seq.*; *Right Hon. A. H. Layard* 3299 *et seq.*——Grounds for the conclusion that if there had been an efficient Government control railway stations and other semi-public structures in the metropolis might have been made very ornamental, instead of being disfigurements as they now are, *Right Hon. A. H. Layard* 3345. 3351. 3356–3361.

Evidence in support of the conclusion that the Metropolitan Board, rather than the First Commissioner, should have control in the matter of railway stations, bridges, &c., *Lord John Manners* 3373 *et seq.*——Contemplated necessity of the sanction of the Metropolitan Board to designs for railway and other erections before any Bill for the works is approved by the Select Committee, *ib.* 3375–3377. 3386. 3424——Impression as to the Executive Government having a *locus standi* before the House in the event of a Bill for a railway viaduct in front of the National Gallery, *ib.* 3483-3485.

Excessively unsatisfactory state of things in the metropolis in regard to the erection of public buildings, railway bridges, &c.; numerous instances of this, and of the hideous effect of railway and other structures, *Cole* 3497–3504.

Great natural advantages of London, its picturesque character being, however, almost destroyed by the hideous structures allowed to be erected, *Redgrave* 3936–3938——Comment upon the deformity and ugliness involved in the railway bridges or girders on the Surrey side of London Bridge, *ib.* 3938, 3939.

Extremely unsatisfactory system in the metropolis as regards public works, railway bridges, &c., the result being that numerous structures have been erected without any reference to architectural beauty or public taste, *Hope* 4052–4062——Facility of combining ornamentation with utility, without any diminution of efficiency, *ib.* 4059–4061.

See also *Blackfriars Bridge. Charing Cross Railway Station. Compulsory Powers. First Commissioner of Works. Ludgate-hill Railway Bridge. Plans and Models. Public Opinion.*

Railway (Thames Embankment). See *Metropolitan District Railway.*

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TO THE

REPORTS

FROM THE

SELECT COMMITTEE

ON

HUNGERFORD BRIDGE

AND

WELLINGTON-STREET VIADUCT.

Ordered, by The House of Commons, *to be Printed.*
2 *August* 1869.

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REPORT

FROM THE

SELECT COMMITTEE

ON

INCLOSURE ACT;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
7 *July* 1869.

Tuesday, 20th April 1869.

Ordered, THAT a Select Committee be appointed to inquire whether the provisions of the Inclosure Act 8 & 9 Vict. c. 118, so far as they relate to the Labouring Poor, have been duly carried out in the Inclosure Bills annually brought before Parliament, and further to inquire whether, in order properly to protect the interests of the Public, the Act 8 & 9 Vict. c. 118, requires Amendment, in respect to the provisions for places of Public Recreation and for Allotments for the Labouring Poor.

Monday, 26th April 1869.

Ordered, THAT the Select Committee on Inclosure Act do consist of Seventeen Members.

Committee nominated of—

Mr. William Cowper.
Sir Michael Hicks Beach.
Mr. Knatchbull-Hugessen.
Colonel Barttelot.
Mr. Vernon Harcourt.
Lord George Hamilton.
Mr. Thomas Chambers.
Mr. Knight.
Mr. Leveson-Gower.
Mr. Liddell.
Mr. Pease.
Mr. William Lowther.
Mr. Andrew Johnston.
Mr. Walsh.
Mr. Philip Wykeham Martin.
Mr. Peek.
Mr. Fawcett.

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Wednesday, 7th July 1869.

Ordered, THAT the Committee have power to report their Observations, together with the Minutes of Evidence taken before them, to The House.

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REPORT,

THE SELECT COMMITTEE appointed to inquire whether the Provisions of the INCLOSURE ACT, 8 & 9 Vict. c. 118, so far as they relate to the LABOURING POOR, have been duly carried out in the INCLOSURE BILLS annually brought before Parliament; and further to inquire whether, in order properly to protect the interests of the Public, the Act 8 & 9 Vict. c. 118, requires amendment in respect to the provisions for PLACES of PUBLIC RECREATION and for ALLOTMENTS for the LABOURING POOR;——Have considered the matters to them referred, and have agreed to the following REPORT:

1. IT appears from a Return made by the Inclosure Commissioners, that 614,800 acres have been inclosed, or have been ordered to be inclosed, since the passing of the General Inclosure Act in 1845, and that three-fifths of this acreage, or 368,000 acres, may be assumed to be waste of a manor, or subject to rights of common, not limited by number or stints, and subject to the provisions of the 30th and 31st sections of the Act of 1845. In the appropriation of public allotments, out of these 368,000 acres, 2,223 acres have been appropriated as allotments for the labouring poor, and 1,742 acres for purposes of recreation for the inhabitants of the neighbourhood. This estimate of three-fifths, it will be observed, is based upon an assumption. The Inclosure Commssioners appear to have kept no separate account from which the quantity of land inclosed, which is subject to public allotment under the Act of 1845, can be readily ascertained. This assumption must, therefore, be regarded as merely a rough estimate.

2. With reference to allotments for the labouring poor, the inclosures in which the Commissioners had power to set out such allotments, and have not done so, have been estimated by Mr. Tremenheere at 89,791 acres. The reasons given in the Reports of the Commissioners, in cases where they have made no allotments are, that the labouring poor have cottage gardens, or that the land to be inclosed is distant from the dwellings of the labourers, is elevated or otherwise unsuitable for the purpose, or that the extent of the inclosure is very small.

3. The questions your Committee had in the first instance to consider were, whether the extent of public allotments so appropriated was sufficient, and whether they have been set out in positions as convenient as circumstances would admit. But these questions could only be determined by ascertaining the wants of the neighbourhood and the qualities of the land in each individual case of inclosure, and would involve inquiries into the number of persons coming under the designation of labouring poor residing, or likely hereafter to reside, at convenient distances, and into the extent of garden ground obtained from other quarters; into the probability of every family being provided with an allotment; into the future capacities of the land after it has been broken up; into the number of people who may be expected to resort to the recreation-grounds, and into other minute circumstances, which are far beyond the means of any inquiry which your Committee could have instituted within a reasonable time. It must be borne in mind that the extent of the diminution of private rights in each case should be taken into account in determining the extent of public allotments. The Commissioners have not fettered their discretion, in each individual case, by laying down any general rule by which the exercise of that discretion could be tested. Your Committee are, therefore, not able to pronounce any general opinion as to the sufficiency or insufficiency of the public allotments which have been made by the Commissioners since the year 1845.

4. The attention of your Committee has been called to some instances in

which only one or two acres have been appropriated for exercise and recreation, as the smallness of the area naturally suggests its unfitness for the purpose intended.

5. Upon one of these cases, that of Withypool, we received the evidence of two of its inhabitants. The Assistant Commissioner, Mr. Wetherell, stated in his evidence that he apart the small extent of an acre, out of the 1,904 acres of common which are to be inclosed, because a larger amount would not be used; because the population never resort to the common for exercise and recreation; Q. 676. because there are other commons where the children and grown-up people can Q. 627. rove about, and because the ground is steep. This recreation-ground he intended specially as a play-ground for the children of the school. On the other hand, the parish clerk and the schoolmaster testified that the common is a general resort of the inhabitants for exercise, for games, and for the meetings of their friendly societies; that there is no other common within five or six miles to which the public are allowed free access; that one acre is not sufficient either for the children or the adults; that seven acres equally suitable are adjoining, and that there is much dissatisfaction among the inhabitants at the small extent set apart for recreation, which finds vent in the remark that when the common is inclosed they will be as badly off as in a town, and will not have even the accommodation Q. 1508. which they would get in a town in the way of recreation-ground. The information obtained by the Assistant Commissioner, and on which he acted, appears to your Committee to have been incorrect. Of the cases included in the Inclosure Bill, No. 1, of the present Session, the only instance in which your Committee have obtained local information as to the special circumstances is that of Withypool; and your Committee are of opinion that the recreation-ground allotted in this case is insufficient, but as no complaints have reached your Committee respecting the other inclosures dealt with in the said Bill, your Committee have not taken evidence in those cases

6. Your Committee would here observe, that in cases where the population of a parish or village have been in the habit of wandering over such a common as that in question, the setting-out of one, five, or ten acres as a "recreation-ground," by no means compensates them for the loss which they sustain by the inclosure. Upon such an allotment games may be played or meetings held; but the people are deprived of other advantages which they derive so long as the common is open. It seems desirable that in all such cases provision should be made by the Inclosure Commissioners to secure to the population such rights of way or other privileges over the common as may, as far as possible, diminish their loss of enjoyment.

7. Your Committee have also inquired into the operations of those provisions of the General Inclosure Act, which relate to public allotments, and into the steps usually taken by the Commissioners and Assistant Commissioners to give effect to them, and are of opinion that some amendments are required. At the meetings held by the Assistant Commissioner to hear objections to the proposed inclosure, and to receive information and evidence, it frequently happens that while those who claim profitable rights in the waste attend, the interests of the public and the labouring poor are not represented, or their claims urged in diminution of the extent of land to be allotted in severalty. This may arise not only from want of care on behalf of the public and the labouring poor, but also from want of effectual publicity having been given to the time and place and objects of the meeting, from want of knowledge of the provisions of the statute, and from an apprehension that persons not having legal rights of common may not be heard in respect to these matters. Your Committee have reason to believe that Mr. Wetherell, the Assistant Commissioner, who appeared before us, has generally put himself in the position of the advocate of the public and the labouring poor, and that he has shown an earnest desire to discharge effectually this as well as the other branches of his duty. Your Committee are, however, of opinion that a full and accurate knowledge of the wants and wishes of the labouring poor, and such local information as would enable him to determine what is required on their behalf, has not always been acquired by the Assistant Commissioner under the present system of inquiry. The Commissioners sitting in London can have few opportunities of obtaining local information by other channels than the Reports of the Assistant Commissioners.

8. Your Committee are of opinion that the Reports of the Commissioners presented to Parliament should contain more precise and minute statements of the information on which they have framed the Provisional Orders, such as the population

population of the neighbourhood, the number of persons attending the meetings, the distance of the waste or common land from the towns and villages within reach, the particulars of any other ground available for recreation, and of other cottage gardens and field allotments, and any other details calculated to enable Parliament to judge of the grounds on which the enactments of the Provisional Orders relating to the public allotments are based.

9. Your Committee also recommend that the notices of meeting given by the Assistant Commissioner should specify amongst the purposes of the meetings that of hearing information or evidence relating to the appropriation of recreation-grounds and of garden allotments for the labouring poor, and that such notices should be posted in other public places besides the outer doors of the parish churches, and should be given by the distribution of handbills where practicable, and that ample time should be given by such notices for the meeting being made known before it takes place.

10. Although no limit has been imposed in the Act on the quantity of land to be appropriated as allotments for the poor, the 30th section restricts the maximum quantity of land for purposes of exercise and recreation according to a scale varying with the population of the parish. This criterion is inapplicable in cases in which the boundaries of the manor are not conterminous with the boundaries of the parish, and in which a considerable portion of the population that resort to the common are resident in a contiguous parish. This restriction must frequently fetter injuriously the discretion of the Commissioners, and your Committee recommend that it be abolished.

11. By the 109th section of 8 & 9 Vict. c. 118, the allotment wardens are restricted from letting the allotment under their management in gardens exceeding a quarter of an acre. It has been suggested that this maximum quantity should be increased to half an acre. Your Committee are of opinion that in many cases this increase would not be beneficial to the labourer, to whom the value of an allotment must depend upon its accessibility and its proximity to his dwelling, and the employment upon it of his surplus labour, and that of his family. An allotment of a size which might tempt him either to neglect his ordinary duties for the sake of its cultivation, or to keep his children from school in order to avail himself of their labour, would often prove an injury instead of a benefit; still, as cases occasionally arise in which a larger allotment than a quarter of an acre may be desirable, and as the tendency of the allotment wardens in this respect is unlikely to be towards excess, your Committee recommend that the maximum quantity which may be allotted by the allotment wardens be extended to half an acre in cases in which the quarter acre allotments are not all appropriated in separate tenancies to the labouring poor. Your Committee also recommend that the Commissioners should have power to order that the expenses of clearing the allotments for the labouring poor should be included in the expenses of the Act.

12. Many cases exist in which the recreation-grounds and the allotments for the labouring poor might advantageously be exchanged for other lands nearer to the dwellings of those who would use them, but the power of exchange can at present be rarely exercised, and your Committee recommend that exchanges may be made in consideration of the quality and value of lands to be exchanged, as well as to their area.

13. In the inclosure of Swaffham Heath, which is close to and surrounds the town, the recreation-ground was placed at a distance of two miles from the town, and the labourers' allotment at a mile and a quarter, because the part of the heath which was included in the Provisional Order, and which is close to the town, was subject to limited and stinted rights, and was not therefore included within the provisions of the 30th section. In order to obviate the recurrence of similar inconvenience, your Committee recommend that in cases of inclosure in which open field lands are comprised in the same inclosure with the waste of a manor, the Commissioners may have powers of exchange, by means of which the public allotments may be assigned in convenient places, without detriment to the rights of the lord or the commoners. The Commissioners should mention in their Reports to Parliament the measures they have taken to effect exchanges of public allotments, and the causes of the failure when such measures have not been successful.

14. It has been given in evidence before your Committee, that the provision of

the Act which orders the allotment wardens to let the allotments to the labouring poor at a fair agricultural rent is frequently disregarded. It has been stated that the rent actually charged often exceeds the fair agricultural rent, and in some cases by three or four times the amount.

15. Your Committee recommend that the Inclosure Commissioners should be authorised to require the trustees of the recreation-ground and the allotment wardens to furnish every three or five years reports of the state of the land, and the rents paid by the tenants under their management.

16. By sections 73 and 112 of the Act of 1845, the residue of the rents arising from recreation-grounds and allotments are directed to be applied in aid of the highway and poor rates of the parish.

17. Your Committee are of opinion that such an appropriation is unsatisfactory, and that such residue might in some cases be employed in improving or fencing the ground, or in hiring or purchasing land, either larger in extent or more conveniently situated.

18. Your Committee, therefore, recommend that further powers should be vested in the churchwardens and overseers, and in the allotment wardens, to enable them to carry out these views.

19. It appears from the evidence, that the assent of the Crown has been given in the case of Llanbadarnfynydd, on a condition that involves the withdrawal from the judgment of the valuer of the question of what should be set out as the allotment of the Crown, and this appears to your Committee to be contrary to the intention and spirit of the 23rd and 33rd sections of the General Inclosure Act.

20. Your Committee also recommend for consideration the propriety of a column being added to the Third Table of the Agricultural Returns of Great Britain, compiled by the Statistical Department of the Board of Trade, showing the acreage employed in cottage gardens and allotments; this information would be useful in many ways, and would render the Statistical Table more complete.

21. Your Committee have directed their attention to the Annual Inclosure Bill, No. 1, and recommend that that Bill should be allowed to proceed, the steps directed by law having been taken by those interested in the Inclosures to which it refers.

22. Your Committee, however, recommend that the two subjoined Inclosures be omitted from the Schedule of the Bill.

1. Wisley Common, the inclosure of which may depend upon the decision of a Committee now sitting upon the question of extending the radius over which the provisions of the "Metropolitan Commons Act, 1866," should be made applicable, and which has been the subject of inquiry before another Committee.

2. Withypool, which your Committee think should be referred back to the Commissioners, for the reasons given in paragraph (5).

23. Your Committee think that no Inclosures should be sanctioned by Parliament in future Sessions, until such of their subjoined recommendations as Parliament may approve shall have been embodied in the Inclosure Act.

24. The general question of the action of the Inclosure Commission has necessarily come before your Committee in the course of their inquiries. Since the passing of the Act of 1845, the large increase in the population of the country, the increased value of land, the acknowledged need for maintaining public rights of way, the still greater necessity for providing recreation grounds and garden allotments for the labouring poor, taken with the large decrease of waste lands, have evidently very much increased the responsibility of this Commission. Your Committee believe that the alterations in the law which are suggested in this Report would affect beneficially the action of the Commission. At the same time they are of opinion that the constant attention of Parliament will be required on the annual introduction of the Inclosure Bill.

7 *July* 1869.

PROCEEDINGS OF THE COMMITTEE.

Friday, 30*th April* 1869.

MEMBERS PRESENT:

Mr. Peek.
Mr. Cowper.
Mr. Lowther.
Mr. Liddell.
Mr. Leveson-Gower.
Mr. Walsh.
Mr. Johnston.
Colonel Barttelot.
Mr. Wykeham Martin.
Mr. Fawcett.
Sir Michael Hicks Beach.
Mr. Pease.
Lord George Hamilton.

Mr. COWPER was called to the Chair.

The Committee deliberated.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 6*th May* 1869.

MEMBERS PRESENT:

Mr. COWPER in the Chair.

Mr. Knatchbull-Hugessen.
Mr. Knight.
Mr. Lowther.
Mr. Walsh.
Mr. Peek.
Mr. Johnston.
Mr. Pease.
Mr. Vernon Harcourt.
Mr. Wykeham Martin.
Mr. Leveson-Gower.
Mr. Fawcett.
Colonel Barttelot.
Mr. Liddell.
Sir Michael Hicks Beach.
Lord George Hamilton.

Mr. *G. Darby* examined.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 13*th May* 1869.

MEMBERS PRESENT:

Mr. COWPER in the Chair.

Colonel Barttelot.
Mr. Knatchbull-Hugessen.
Mr. Pease.
Mr. Johnston.
Lord George Hamilton.
Mr. Walsh.
Mr. Lowther.
Mr. Peek.
Mr. Liddell.
Mr. Fawcett.
Mr. Knight.
Mr. Wykeham Martin.
Mr. Vernon Harcourt.

Mr. *G. Darby* further examined, Mr. *Bailie Denton* examined.

[Adjourned till Thursday, 3rd June, at Twelve o'clock.

Thursday, 3rd June 1869.

MEMBERS PRESENT:

Mr. COWPER in the Chair.

Mr. Lowther.	Mr. Fawcett.
Mr. Liddell.	Mr. Knight.
Mr. Walsh.	Mr. Leveson-Gower.
Mr. Knatchbull-Hugessen.	Mr. Wykeham Martin.
Mr. Johnston.	Sir Michael Hicks Beach.
Mr. Peek.	Mr. Pease.
Colonel Barttelot.	Lord George Hamilton.
Mr. Thomas Chambers.	

Mr. *N. Wetherell* examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 8th June 1869.

MEMBERS PRESENT:

Mr. COWPER in the Chair.

Colonel Barttelot.	Mr. Leveson-Gower.
Mr. Peek.	Mr. Liddell.
Mr. Walsh.	Lord George Hamilton.
Mr. Lowther.	Mr. Knight.
Mr. Knatchbull-Hugessen.	Mr. Vernon Harcourt.
Mr. Fawcett.	Mr. Pease.
Mr. Wykeham Martin.	

Mr. *N. Wetherell* further examined; Mr. *Hugh Brown* and Mr. *Hugh Seymour Tremenheere* were severally examined.

On objection being taken to Mr. Tremenheere's evidence: Room cleared.—The Committee deliberated.

Motion made, and Question put, "That Mr. Tremenheere be requested to proceed with his statement"—(Mr. *Knatchbull-Hugessen*).—The Committee divided:

Ayes, 5.	Noes, 4.
Mr. Leveson-Gower.	Lord George Hamilton.
Mr. Wykeham Martin.	Mr. Knight.
Mr. Fawcett.	Colonel Barttelot.
Mr. Knatchbull-Hugessen.	Mr. Liddell.
Mr. Pease.	

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 15th June 1869.

MEMBERS PRESENT:

Mr. COWPER in the Chair.

Mr. Liddell.	Mr. Wykeham Martin.
Mr. Peek.	Mr. Walsh.
Mr. Fawcett.	Mr. Leveson-Gower.
Colonel Barttelot.	Mr. Knight.
Mr. Lowther.	Lord George Hamilton.
Mr. Chambers.	Mr. Pease.
Mr. Knatchbull-Hugessen.	Sir Michael Hicks Beach.

Mr. *Hugh Seymour Tremenheere* further examined.

Mr. *James Reed* examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 22*nd June* 1869.

MEMBERS PRESENT:

Mr. COWPER in the Chair.

Mr. Peek.	Mr. Knight.
Mr. Lowther.	Mr. Wykeham Martin.
Mr. Liddell.	Mr. Pease.
Mr. Knatchbull-Hugessen.	Lord George Hamilton.
Colonel Barttelot.	Mr. Vernon Harcourt.
Mr. Fawcett.	Sir Michael Hicks Beach.
Mr. Johnston.	Mr. Leveson-Gower.
Mr. Walsh.	

Mr. *William Bushen*, Mr. *George Godley*, Mr. *James Mobbs*, Mr. *John Bonham-Carter* (a Member of the House), and Mr. *E. C. Tufnell*, were severally examined.

Mr. *N. Wetherell* further examined.

[Adjourned till Thursday next, at Two o'clock.

Thursday, 24*th June* 1869.

MEMBERS PRESENT:

Mr. COWPER in the Chair.

Mr. Pease.	Mr. Peek.
Mr. Johnston.	Mr. Liddell.
Mr. Knight.	Mr. Walsh.
Mr. Knatchbull-Hugessen.	Mr. Fawcett.
Lord George Hamilton.	Colonel Barttelot.
Mr. Lowther.	Sir Michael Hicks Beach.
Mr. Leveson-Gower.	Mr. Chambers.

The Committee deliberated.

[Adjourned till Wednesday next, at Twelve o'clock.

Wednesday, 30*th June* 1869

MEMBERS PRESENT:

Mr. COWPER in the Chair.

Mr. Chambers.	Mr. Fawcett.
Mr. Johnston.	Mr. Pease.
Mr. Lowther.	Mr. Vernon Harcourt.
Mr. Knatchbull-Hugessen.	Mr. Leveson-Gower.
Mr. Walsh.	Mr. Knight.
Colonel Barttelot.	Lord George Hamilton.
Mr. Wykeham Martin.	Sir Michael Hicks Beach.
Mr. Liddell.	

The Committee deliberated.

DRAFT REPORT proposed by Chairman, read a first time, as follows:

"Your Committee have taken Evidence, and have agreed to the following Report:

"1. It appears from a Return made by the Inclosure Commissioners, that 614,800 acres have been inclosed, or have been ordered to be inclosed, since the passing of the General

Inclosure Act in 1845, and that three-fifths of this acreage, or 368,000 acres, may be assumed to be waste of a manor, or subject to rights of common, not limited by number or stints, and subject to the provisions of the 30th and 31st sections of the Act of 1845. In the appropriation of public allotments, out of these 368,000 acres, 2,223 acres have been appropriated as allotments for the labouring poor, and 1,742 acres for purposes of recreation for the inhabitants of the neighbourhoods.

"2. The inclosures in which no allotment has been made for the labouring poor comprise more than 90,000 acres, and the reasons given in the Commissioners' Reports are that the labouring poor have cottage gardens, or that the land to be inclosed is distant from the dwellings of the labourers, elevated or otherwise unsuitable for the purpose, or that the extent of the inclosure is very small.

"3. The first questions your Committee had to consider was, whether the extent of public allotments so appropriated is sufficient, and whether they have been set out in positions as convenient as circumstances would admit. But these questions could only be determined by ascertaining the wants of the neighhourhood and the qualities of the land, and would involve inquiries into the number of persons coming under the designation of labouring poor residing or likely hereafter to reside at convenient distances, and into the extent of garden ground obtained from other quarters; into the probability of every family being provided with an allotment; into the future capacities of the land after it has been broken up; into the number of people who may be expected to resort to the recreation grounds after they have been adapted for their purpose, and into other minute circumstances, which are far beyond the scope of any inquiry which your Committee can institute.

"4. The Commissioners have not fettered their discretion, in each individual case, by laying down any general rule by which the exercise of that discretion could be tested.

"5. Mr. Tremenheere, while occupied in investigating the beneficial influence of garden allotments on the condition of labourers employed in agriculture, was struck by the apparent smallness of the extent of garden land appropriated to that class out of the inclosures, and endeavoured to apply a test, by considering whether the total amount of garden allotments would suffice for the number of labourers employed in the cultivation of the total extent of the inclosed land.

"6. Assuming that the cultivation of land requires an average of three men per 100 acres, and that a quarter of an acre is required for each man, it would follow that the total amount of land appropriated for garden allotments would be taken up by the actual cultivators of the inclosed land, and none would remain for the use of the rest of the labouring poor in the neighbourhood who were not employed upon that particular land.

"7. But this test is not sufficiently applicable to the case to enable your Committee to draw a conclusion from it.

"8. The attention of your Committee has been called to some instances in which only one or two acres have been appropriated for exercise and recreation, as the smallness of the area naturally suggests its unfitness for the purpose intended.

"9. Upon one of these cases, that of Withypool, we received the evidence of two of its inhabitants.

"10. The Assistant Commissioner, Mr. Wetherell, stated in his evidence that he set apart the small extent of an acre, out of the 1,904 acres of common which are to be inclosed, because a larger amount would not be used; because the population never resort to the common for exercise and recreation; because there are other commons where the children and grown-up people can rove about, and because the ground is steep; and he considered that the recreation-ground should be used by the children of the school.

Q. 676.

Q. 627.

"11. On the other hand, the evidence of the parish clerk and of the schoolmaster testified that the common is a general resort of the inhabitants for exercise, for games, and for the meetings of their friendly societies; that there is no other common within five or six miles to which the public are allowed free access; that one acre is not sufficient either for the children or the adults; that seven acres equally suitable are adjoining, and that there is much dissatisfaction among the inhabitants at the smallness of that ground, which finds vent in the remark that when the common is inclosed they will be as badly off as in a town, and will not have even the accommodation which they would get in a town in the way of recreation-ground.

Q. 1508.

"12. These witnesses did not attend the meeting summoned by the Assistant Commissioner, and it appears that the information he obtained was not correct.

"13. At these meetings, it frequently happens that while those who claim profitable rights in the waste attend, the interests which the public have in the recreation-grounds, and the labouring poor have in the garden allotments, are not represented or their claims urged in diminution of the extent of land to be allotted in severalty. This may arise not only from want of care on behalf of the public and the labouring poor, but also from want of effectual publicity having been given to the time and place and objects of the meeting, from want of knowledge of the provisions of the statute, and from an apprehension that persons not having legal rights of common may not be heard in respect to these matters.

"14. The

"14. The Assistant Commissioner has often to put himself into the position of the advocate of the public and the poor, but finds difficulty in obtaining the correct local information that would enable him to determine accurately what is required on their behalf, and it is not surprising if he should sometimes fail in discovering what is really required; but we have reason to believe that the Assistant Commissioner, Mr. Wetherell, who appeared before us, has shown an earnest desire to discharge effectually this as well as the other branches of his duty.

"15. The Commissioners sitting in London, can have few opportunities of obtaining local information by other channels than the reports of the Assistant Commissioners.

"16. Your Committee are of opinion that the Reports of the Commissioners presented to Parliament should contain more precise and minute statements of the information on which they have framed the Provisional Orders, such as the population of the neighbourhood, the number of persons attending the meetings, the distance of the waste or common land from the towns and villages within reach, the particulars of any other ground available for recreation, and of other cottage gardens and field allotments, and any other details calculated to enable Parliament to judge of the grounds on which the enactments of the Provisional Orders relating to the public allotments are based.

"17. Your Committee also recommend that the notices of meeting given by the Assistant Commissioner should specify amongst the purposes of the meetings that of hearing information or evidence relating to the appropriation of recreation-grounds and of garden allotments for the labouring poor, and that such notices should be posted in other public places besides the outer doors of the parish churches, and that ample time should be given by such notices for the meeting being made known before it takes place. Although no limit has been imposed in the Act on the quantity of land to be appropriated as allotments for the poor, the 30th section restricts the maximum quantity of land according to a scale varying with the population of the parish. This criterion is inapplicable in cases in which the boundaries of the manor are not conterminous with the boundaries of the parish, and in which a considerable portion of the population that resort to the common are resident in a contiguous parish. This restriction must frequently fetter injuriously the discretion of the Commissioners, and your Committee recommend that it be abolished.

"18. By the 109th section of 8 and 9 Vict. c. 118, the allotment wardens are restricted from letting the allotment under their management in gardens exceeding a quarter of an acre, and although in ordinary cases it is not expedient to apportion a larger amount to the garden allotment, yet in a considerable number of cases which have been mentioned in evidence, a larger extent has been beneficially occupied by the garden allotment tenants of private landowners; and your Committee recommend that the discretion of the allotment wardens should be extended to a maximum quantity of half an acre.

"19. Many cases exist in which the recreation-grounds and the allotments for the labouring poor might advantageously be exchanged for other land nearer to the dwellings of those who would use them, but the power of exchange can at present be rarely exercised, and your Committee recommend that exchanges may be made in consideration of the quality and value of lands to be exchanged, as well as to their area.

"20. In the inclosure of Swaffham Heath, which begins close to the town, the recreation-ground was placed at a distance of two miles from the town, and the labourers' allotment at a mile and a quarter only, because the part of the heath which was included in the Provisional Order, and which is close to the town, was subject to limited and stinted rights, and was not therefore included within the provisions of the 30th section.

"21. In order to obviate the recurrence of similar inconvenience, your Committee recommend that in cases of inclosure in which open field land and half-yearly land are comprised in the same inclosure with the waste of a manor, the Commissioners may have powers of exchange, by means of which the public allotments may be assigned in convenient places, without detriment to the rights of the lord or the Commissioners. The Commissioners should mention in their Reports to Parliament the measures they have taken to effect exchanges of public allotments, and the causes of the failure when such measures have not been successful.

"22. Your Committee recommend that the Inclosure Commissioners should require the trustees of the recreation-ground and the allotment wardens to furnish, every three or five years, reports of the state of the land under their management.

"23. Your Committee also recommend for consideration the propriety of a column being added to the Third Table of the Agricultural Returns of Great Britain, compiled by the Statistical Department of the Board of Trade, showing the acreage employed in cottage gardens and allotments; this information would be useful in many ways, and would render the Statistical Table more complete."

Draft Report proposed by the Chairman, read a second time, paragraph by paragraph.

Paragraph 1, *agreed to.*

Amendment proposed, after the last paragraph, to insert the following paragraph:—"This estimate of three-fifths, it will be observed, is based upon an assumption. The Inclosure Commissioners appear to have kept no separate account from which the quantity of land inclosed, which is subject to public allotments under the Act of 1845, can be readily ascertained. This assumption must therefore be regarded as merely a rough estimate"—(Mr. *Vernon Harcourt*).—Question, That this paragraph be there inserted—put, and *agreed to.*

Paragraph 2, amended, and *agreed to.*

Paragraph 3.—An Amendment made.—Amendment proposed in line 5, to leave out from the word "inclosure," at the end of the last Amendment, to the end of the paragraph, in order to add the words: "But in order to give a complete answer to these questions, it would have been necessary for your Committee to have obtained evidence from every locality in which an enclosure has taken place; because your Committee entirely agrees in the opinion expressed by Mr. Tremenheere that the information contained in the Inclosure Bills annually laid before Parliament is so vague and incomplete, that it is impossible, upon such information, to decide whether sufficient land has been reserved as allotments for the labouring poor, and also as recreation-grounds. Mr. Tremenheere has, after carefully examining the whole of the Inclosure Bills introduced into Parliament since 1845, come to the general conclusion that the quantity of land reserved as allotments for the labouring poor is most insufficient, and he has shown by a calculation that the quantity of land so reserved is only just sufficient to give an allotment of a quarter acre each to the people required to cultivate the land inclosed. With regard to the Inclosure Bill now before Parliament, which has been re-committed upon its third reading, with the object of reserving more land as allotments for the labouring poor, and also as recreation grounds, Mr. Tremenheere has expressed a strong opinion that the quantity so reserved is inadequate. Your Committee think that this opinion is confirmed by the enquiries which have been made in reference to two inclosures contained in the aforesaid Bill, viz., those of Wisley and Withypool; these being the only two inclosures with regard to which evidence from the locality has been received. With regard to Wisley, a Select Committee has reported that, if this common is inclosed, ten acres should be reserved as allotments for the labouring poor, and six acres as a recreation-ground. The Inclosure Commissioners reserve no land as allotments for the labouring poor, and two acres only as a recreation-ground"—(Mr. *Fawcett*)—instead thereof.

Question put, That the word "and" stand part of the paragraph.—The Committee divided:

Ayes, 11.	Noes, 4.
Colonel Barttelot.	Mr. Fawcettt.
Sir Michael Beach.	Mr. Vernon Harcourt.
Mr. Chambers.	Mr. Johnston.
Mr. Leveson-Gower.	Mr. Wykeham Martin.
Lord G. Hamilton.	
Mr. Knatchbull-Hugessen.	
Mr. Knight.	
Mr. Liddell.	
Mr. Lowther.	
Mr. Pease.	
Mr. Walsh.	

Amendments made.

Another Amendment proposed, at the end of the paragraph, to add the words: "It must also be borne in mind that the extent of the diminution of private rights in each case should be taken into account in determining the extent of public allotments"—(Mr. *Knatchbull-Hugessen*). —Question put, That those words be there added.—The Committee divided:

Ayes 10.	Noes, 5.
Colonel Barttelot.	Mr. Chambers.
Sir Michael Beach.	Mr. Fawcett.
Mr. Leveson-Gower.	Mr. Vernon Harcourt.
Lord G. Hamilton.	Mr. Johnston.
Mr. Knatchbull-Hugessen.	Mr. Wykeham Martin.
Mr. Knight.	
Mr. Liddell.	
Mr. Lowther.	
Mr. Pease.	
Mr. Walsh.	

Motion

Motion made, and Question put, "That the Committee do now adjourn"—(Mr. *Fawcett*).—The Committee divided:

Aye, 1.	Noes, 14.
Mr. Fawcett.	Colonel Barttelot.
	Sir Michael Beach.
	Mr. Chambers.
	Mr. Leveson-Gower.
	Lord George Hamilton.
	Mr. Vernon Harcourt.
	Mr. Knatchbull-Hugessen.
	Mr. Johnston.
	Mr. Knight.
	Mr. Liddell.
	Mr. Lowther.
	Mr. Wykeham Martin.
	Mr. Pease.
	Mr. Walsh.

Paragraph, as amended, *agreed to.*

Paragraph 4, *agreed to.*

Amendment proposed, after paragraph 4, to insert the following paragraph:—"Your Committee are therefore not able to pronounce any general opinion as to the sufficiency or insufficiency of the public allotments which have been made by the Commissioners since the year 1845"—(Mr. *Vernon Harcourt*).—Question put, That this paragraph be there inserted.—The Committee divided:

Ayes, 8.	Noes, 6.
Mr. Fawcett.	Colonel Barttelot.
Lord George Hamilton.	Sir Michael Beach.
Mr. Vernon Harcourt.	Mr. Leveson-Gower.
Mr. Knatchbull-Hugessen.	Mr. Knight.
Mr. Johnston.	Mr. Liddell.
Mr. Wykeham Martin.	Mr. Lowther.
Mr. Pease.	
Mr. Walsh.	

Paragraphs 5, 6, 7, *disagreed to.*

Paragraphs 8 and 9, *agreed to.*

Paragraphs 10 and 11, amended, and *agreed to.*

Paragraph 12.—Amendments made.—Another Amendment proposed, at the end of the paragraph, to add the words: "Of the cases included in the Inclosure Bill, No. 1, of the present Session, the only instance in which your Committee have obtained local information as to the special circumstances, is that of Withypool; and your Committee are of opinion that the recreation-ground allotted in this case is insufficient"—(Mr. *Vernon Harcourt*).—Question, That those words be there added,—put, and *agreed to.*

Another Amendment proposed, at the end of last Amendment, to add the words: "but the fact that no special evidence to the contrary was tendered in other cases, affords a presumption that the provisions of the Inclosure Act, 8 & 9 Vic. c. 118, so far as they relate to the labouring poor, have been duly carried out by the Commissioners in the Inclosure Bill, No. 1, of the present Session"—(Sir *Michael Beach*).—Question proposed, That those words be there added.—Amendment proposed to the proposed Amendment, to leave out all the words after the first word "but," in order to add the words "as no complaints have reached your Committee respecting the other inclosures dealt with in the said Bill, your Committee have not taken evidence in those cases"—(Mr. *Knatchbull-Hugessen*)—instead thereof.—Question put, "That the words proposed to be left out stand part of the proposed Amendment."—The Committee divided:

Ayes, 4.	Noes, 10.
Colonel Barttelot.	Mr. Chambers.
Sir Michael Beach.	Mr. Fawcett.
Mr. Lowther.	Mr. Leveson-Gower.
Mr. Pease.	Lord George Hamilton.
	Mr. Vernon Harcourt.
	Mr. Knatchbull-Hugessen.
	Mr. Knight.
	Mr. Liddell.
	Mr. Wykeham Martin.
	Mr. Walsh.

Question proposed, That the words "as no complaints have reached your Committee respecting the other inclosures dealt with in the said Bill, your Committee have not taken evidence in those cases" be there added.—Amendment proposed to the said proposed Amendment, to leave out all the words after the first word "as," in order to add the words "No local evidence has been tendered to your Committee in any of the other cases, and without taking such evidence, your Committee are not in a position to offer any opinion on the other inclosures contained in the same Bill"—(Mr. *Vernon Harcourt*)—instead thereof.—Question put, "That the words proposed to be left out stand part of the said proposed Amendment."—The Committee divided:

Ayes, 10.	Noes, 4.
Colonel Barttelot.	Mr. Chambers.
Sir Michael Beach.	Mr. Fawcett.
Mr. Leveson-Gower.	Mr. Vernon Harcourt.
Lord George Hamilton.	Mr. Wykeham Martin.
Mr. Knatchbull-Hugessen.	
Mr. Knight.	
Mr. Liddell.	
Mr. Lowther.	
Mr. Pease.	
Mr. Walsh.	

Amendment, as amended, *agreed to*, and added to the paragraph.—Paragraph, as amended, *agreed to*.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 2nd July 1869.

MEMBERS PRESENT:

Mr. COWPER in the Chair.

Mr. Knatchbull-Hugessen.	Mr. Leveson-Gower.
Mr. Liddell.	Mr. Pease.
Mr. Peek.	Mr. Walsh.
Mr. Lowther.	Colonel Barttelot.
Mr. Knight.	Lord George Hamilton.
Mr. Vernon Harcourt.	Sir Michael Hicks Beach.
Mr. Fawcett.	Mr. Johnston.
Mr. Wykeham Martin.	

Paragraph 13.—Amendment proposed, at the commencement of the paragraph to insert the words, "Your Committee would here observe, that in cases where the population of a parish or village have been in the habit of wandering over such a common as that in question, the setting-out of one, five, or ten acres as a 'recreation ground' by no means compensates them for the loss which they sustain by the inclosure. Upon such an allotment games may be played or meetings held; but the people are deprived of other advantages which they derive so long as the common is open. It seems desirable that in all such cases provision should be made by the Inclosure Commissioners to secure to the population such rights of way over the common as may as far as possible diminish their loss of enjoyment"—(Mr. *Knatchbull-Hugessen*).

Question proposed, That those words be there inserted.—Amendment proposed to the proposed Amendment, in line 8, after the word "way," to insert the words "or other privileges"—(Mr. *Vernon Harcourt*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 8.	Noes, 4.
Mr. Fawcett.	Colonel Barttelot.
Mr. Leveson-Gower.	Mr. Knight.
Mr. Vernon Harcourt.	Mr. Lowther.
Mr. Knatchbull-Hugessen.	Mr. Walsh.
Mr. Liddell.	
Mr. Wykeham Martin.	
Mr. Pease.	
Mr. Peek.	

Amendment,

Amendment, as amended, *agreed to*, and inserted in the paragraph.—Further Amendments made.—Paragraph, as amended, *agreed to.*

Paragraph 14, amended, and *agreed to.*

Paragraph 15.—Amendment proposed, at the end of the paragraph, to add the words, "and as a fact, except in cases where some appeal is made against the Report of the Assistant Commissioners, no practical revision of their recommendations is exercised by the Chief Commissioners"—(Mr. *Vernon Harcourt*).—Question put, "That those words be there added."—The Committee divided:

Ayes, 4.	Noes, 10.
Mr. Fawcett.	Colonel Barttelot.
Mr. Vernon Harcourt.	Sir Michael Beach.
Mr. Johnston.	Mr. Leveson-Gower.
Mr. Peek.	Lord George Hamilton.
	Mr. Knatchbull-Hugessen.
	Mr. Knight.
	Mr. Liddell.
	Mr. Pease.
	Mr. Lowther.
	Mr. Walsh.

Another Amendment proposed, at the end of the paragraph, to add the words, "The Commissioners sitting in London having no opportunities of obtaining local information by other channels than the reports of the Assistant Commissioners, their functions are consequently limited to controlling the general action of the Assistant Commissioners, and acting as a court of appeal in case of dispute"—(Mr. *Walsh*).—Question put, "That those words be there added."—The Committee divided:

Ayes, 6.	Noes, 9.
Mr. Fawcett.	Colonel Barttelot.
Mr. Vernon Harcourt.	Sir Michael Beach.
Mr. Johnston.	Mr. Leveson-Gower.
Mr. Wykeham Martin.	Lord George Hamilton.
Mr. Pease.	Mr. Knatchbull-Hugessen.
Mr. Peek.	Mr. Knight.
	Mr. Liddell.
	Mr. Lowther.
	Mr. Walsh.

Question put, "That the paragraph stand part of the Draft Report."—The Committee divided:

Ayes, 9.	Noes, 5.
Colonel Barttelot.	Mr. Knatchbull-Hugessen.
Sir Michael Beach.	Mr. Knight.
Mr. Fawcett.	Mr. Liddell.
Mr. Leveson-Gower.	Mr. Pease.
Lord George Hamilton.	Mr. Peek.
Mr. Vernon Harcourt.	
Mr. Johnston.	
Mr. Wykeham Martin.	
Mr. Walsh.	

Paragraph 16, *agreed to.*

Paragraph 17, amended, and *agreed to.*

Paragraph 18.—Amendment proposed to leave out from the word "acre," in line 3, to the end of the paragraph, in order to add the words: "It has been suggested that this maximum quantity should be increased to half an acre. Your Committee are of opinion that in many cases this increase would not be beneficial to the labourer, to whom the value of an allotment must depend upon its proximity to his dwelling, and the consequent possibility of employing upon it his surplus labour, and that of his family. An allotment of a size which might tempt him either to neglect his ordinary duties in its cultivation, or to keep his children from school in order to avail himself of their labour, would often prove an injury instead of a benefit; still, as cases occasionally arise in which a larger allotment than a quarter of an acre may be desirable, and as the tendency of the allotment wardens in this respect is unlikely to be towards excess, your Committee are inclined to recommend that the maximum quantity which may be allotted by the allotment wardens be extended to half an acre"—(Mr. *Knatchbull-Hugessen*)—instead thereof.

Question put, That the word "and" stand part of the paragraph.—The Committee divided:

Ayes, 3.	Noes, 9.
Mr. Fawcett.	Sir Michael Beach.
Mr. Lowther.	Mr. Leveson Gower.
Mr. Wykeham Martin.	Lord G. Hamilton.
	Mr. Knatchbull-Hugessen.
	Mr. Johnston.
	Mr. Knight.
	Mr. Liddell.
	Mr Pease.
	Mr. Walsh.

Question proposed, That the proposed words be there added.

Amendment proposed to the proposed Amendment, to leave out, in line 3, the words "to whom the value of an allotment must depend upon its"—(Mr. *Wykeham Martin*).—Question put, "That those words stand part of the proposed Amendment":

Ayes, 10.	Noes, 2.
Sir Michael Beach.	Mr. Fawcett.
Mr. Leveson-Gower.	Mr. Wykeham Martin.
Lord G. Hamilton.	
Mr. Knatchbull-Hugessen.	
Mr. Johnston.	
Mr. Knight.	
Mr. Liddell.	
Mr. Lowther.	
Mr. Pease.	
Mr. Walsh.	

Another Amendment proposed to the proposed Amendment, to leave out, in line 5, the words "an allotment of a size which might tempt him either to neglect his ordinary duties in its cultivation, or to keep his children from school in order to avail himself of their labour, would often prove an injury instead of a benefit"—(Mr. *Knight*).—Question put, That those words stand part of the proposed Amendment:

Ayes, 10.	Noes, 2.
Sir Michael Beach.	Mr. Fawcett.
Mr. Leveson-Gower.	Mr. Knight.
Lord George Hamilton.	
Mr. Knatchbull Hugessen.	
Mr. Johnston.	
Mr. Liddell.	
Mr. Lowther.	
Mr. Wykeham Martin.	
Mr. Pease.	
Mr. Walsh.	

Amendments made.—Amendment, as amended, *agreed to*, and added to the paragraph.—Paragraph, as amended, *agreed to*.

Paragraph 19, *agreed to*.

Paragraph 20, amended, and *agreed to*.

Paragraph 21, *agreed to*.

Paragraph 22, amended, and *agreed to*.

Paragraph 23, *agreed to*.

Amendment proposed, after the last paragraph, to add the following paragraph:—"It has appeared in evidence before your Committee, that the provision contained in Clause XXXIII. of this Act, giving the right of appointment of a valuer to the majority of the interests, has been occasionally infringed by lords of manors insisting on the appointment of a valuer as the condition of their assent to the inclosure of their wastes of manor, and your Committee is of opinion that this course is unjust in principle, and contrary to the spirit of the XXXIII. Clause"—(Mr. *Walsh*).—Question proposed, That this paragraph be there added—

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 6th July 1869.

MEMBERS PRESENT:

Mr. Cowper in the Chair.

Mr. Knatchbull-Hugessen.	Colonel Barttelot.
Mr. Liddell.	Mr. Knight.
Mr. Peek.	Lord George Hamilton.
Mr. Pease.	Mr. Wykeham-Martin.
Mr. Walsh.	Mr. Leveson-Gower.
Mr. Lowther.	Sir Michael Hicks Beach.
Mr. Vernon Harcourt.	Mr. Johnston.
Mr. Fawcett.	

Proposed paragraph further considered, amended, and added to the Draft Report.

Amendment proposed to add the following paragraph to the Draft Report:

"Your Committee have directed their attention to the Annual Inclosure Bill, No. 1, which contains in the Schedule 12 inclosures, in which the Commissioners were authorised to set out public allotments. In nine of these the Commissioners have set out none. In one case—that of Saxlingham—they have set out no recreation ground, and only one acre for the labouring poor. In another, that of Wisley, they have set out no allotment for the labouring poor, and only two acres for recreation; and at Withypool they have set out one acre for recreation, and five acres for the labouring poor.

"Your Committee are not satisfied from the information obtained from the Reports of the Commissioners presented to Parliament, and from the evidence of the Assistant Commissioner, that further provision for recreation and the labouring poor ought not to be made in the instances of Withypool, Wisley, Saxlingham, Lightwood, Kirton, and Bokiddich, in Llanivet parish; and they recommend that the confirmation of the Provisional Orders in these cases should be withheld for further consideration, and that they should be omitted from the Schedule of the Inclosure Bill, No. 1, now before the House"—(The *Chairman*).

Question proposed, That this paragraph be added to the Draft Report.

Amendment proposed to leave out from the word "No. 1," in line 1, to the end of the proposed paragraph, in order to add the words "and recommend that that Bill should be allowed to proceed, the steps directed by law having been taken by those interested in the inclosures to which it refers; the exceptions are as follows:

"1. Wisley Common, the inclosure of which may depend upon the decision of a Committee now sitting upon the question of extending the radius over which the provisions of the 'Metropolitan Commons Act, 1866,' should be made applicable.

"2. Withypool, which your Committee think should be referred back to the Commissioners, for the reasons given in paragraph 12.

"Your Committee think that, after the passing of the present Bills, no other inclosures should be sanctioned by Parliament until such of their subjoined recommendations as Parliament may approve shall have been embodied in the Inclosure Act"—(Mr. *Knatchbull-Hugessen*).

Question put, That the words "which contains" stand part of the proposed paragraph.—The Committee divided:

Ayes, 5.	Noes, 10.
Mr. Fawcett.	Colonel Barttelot
Mr. Vernon Harcourt.	Sir Michael Beach.
Mr. Johnston.	Mr. Leveson-Gower.
Mr. Wykeham-Martin.	Lord G. Hamilton.
Mr. Peek.	Mr. Knatchbull-Hugessen.
	Mr. Knight.
	Mr. Liddell.
	Mr. Lowther.
	Mr. Pease.
	Mr. Walsh.

Question proposed, That the proposed words be there added.—Amendment proposed to the said proposed Amendment, to leave out all the words after the first word "and," in order to add the words "your Committee having taken no local evidence upon any of the inclosures contained in the Bills now before Parliament except those of Wisley and Withypool, are not in a position, in the absence of such local evidence, to express any opinion upon such inclosures"—(Mr. *Vernon Harcourt*),—instead thereof.

Question put, That the words "and recommend that that Bill should be allowed to proceed," stand part of the proposed Amendment.—The Committee divided:

Ayes, 10.	Noes, 4.
Colonel Barttelot.	Mr. Fawcett.
Sir Michael Beach.	Mr. Vernon Harcourt.
Mr. Leveson-Gower.	Mr. Wykeham-Martin.
Lord George Hamilton.	Mr. Peek.
Mr. Knatchbull-Hugessen.	
Mr. Johnston.	
Mr. Knight.	
Mr. Liddell.	
Mr. Pease.	
Mr. Walsh.	

Question put, That the words "the steps directed by law having been taken by those interested in the inclosures to which it refers," stand part of the proposed Amendment.—The Committee divided:

Ayes, 8.	Noes, 6.
Colonel Barttelot.	Mr. Fawcett.
Sir Michael Beach.	Mr. Vernon Harcourt.
Mr. Leveson-Gower.	Mr. Johnston.
Lord George Hamilton.	Mr. Liddell.
Mr. Knatchbull-Hugessen.	Mr. Wykeham-Martin.
Mr. Knight.	Mr. Peek.
Mr. Pease.	
Mr. Walsh.	

Amendments made.

Question put, That the words "Your Committee think that no inclosures should be sanctioned by Parliament in future Sessions, until such of their subjoined recommendations as Parliament may approve shall have been embodied in the Inclosure Act," stand part of the proposed Amendment.—The Committee divided:

Ayes, 8.	Noes, 5.
Mr. Fawcett.	Colonel Barttelot.
Lord George Hamilton.	Sir Michael Beach.
Mr. Vernon Harcourt.	Mr. Leveson-Gower.
Mr. Knatchbull-Hugessen.	Mr. Knight.
Mr. Johnston.	Mr. Walsh.
Mr. Wykeham-Martin.	
Mr. Pease.	
Mr. Peek.	

Amendment, as amended, *agreed to*.—Paragraph, as amended, *agreed to*, and inserted in the Draft Report.

Amendment proposed to insert the following paragraph in the Draft Report:—"It has been given in evidence before your Committee, that the provision of the Act which orders the allotment wardens to let the allotments to the labouring poor at a fair agricultural rent is very generally disregarded. It has been stated that the rent actually charged often exceeds by three or four times the fair agricultural rent. Your Committee think that a return of the rent charged should be made to the Inclosure Commissioners every three or five years, and that the Commissioners should have the power to interfere if an excessive rent is levied"—(Mr. *Fawcett*).—Paragraph, amended, *agreed to*, and inserted in Draft Report.

Amendment proposed to insert the following paragraph in the Draft Report:—"The rents arising from the allotments and from the recreation grounds are now applied to aid parochial and highway rates. Your Committee are of opinion that such an appropriation is extremely unsatisfactory. The rent arising from the recreation grounds might, generally most advantageously, be employed in improving these grounds, and making them suitable for the purposes for which they are intended. The rent arising from the allotments might, in many cases, be advantageously employed in improving the ground, or in purchasing for the labouring poor, either a larger extent of ground, or ground more conveniently situated"—Mr. *Fawcett*).—Paragraph amended, *agreed to*, and inserted in the Draft Report.

Another Amendment proposed, to insert the following paragraph in the Draft Report:—"The general question of the action of the Inclosure Commission has necessarily come before your Committee in the course of their inquiries. Since the passing of the Act of 1845, the large increase in the population of the country, the increased value of land, the acknowledged need for maintaining public rights of way, the still greater necessity for providing recreation grounds and garden allotments for the labouring poor, taken with the large decrease of waste lands, have evidently very much increased the responsibility of this Commission.

Commission. Your Committee believe that the alterations in the law which are suggested in this Report would affect beneficially the action of the Commission. At the same time they are of opinion that the constant attention of Parliament will be required on the annual introduction of the Inclosure Bill"—(Mr. *Pease*).

Paragraph agreed to, and inserted in Draft Report.

Question proposed, "That this Report, as amended, be the Report of the Committee to the House"—(The *Chairman*).

Amendment proposed, to leave out from the word "That," to the end of the Question, in order to add the words "your Committee having taken no local evidence upon any of the inclosures in the Inclosure Bill, No. 1, now before Parliament, except those of Wisley and Withypool, and having taken no evidence of any sort upon Inclosure Bill, No. 2, the Committee be adjourned, in order to take evidence upon the inclosures included in such Bills"—(Mr. *Vernon Harcourt*).

Question put, That the words proposed to be left out stand part of the Question.—The Committee divided:

Ayes, 10.	Noes, 5.
Colonel Barttelot.	Mr. Fawcett.
Sir Michael Beach.	Mr. Vernon Harcourt.
Mr. Leveson-Gower.	Mr. Johnston.
Lord George Hamilton.	Mr. Wykeham-Martin.
Mr. Knatchbull-Hugessen.	Mr. Peek.
Mr. Knight.	
Mr. Liddell.	
Mr. Lowther.	
Mr. Pease.	
Mr. Walsh.	

Main Question put, and *agreed to*.

Ordered, To Report, together with Minutes of Evidence and Appendix.

EXPENSES OF WITNESSES.

NAME of WITNESS.	PROFESSION or CONDITION.	From whence Summoned.	Number of Days Absent from Home under Orders of Committee.	Expenses of Journey to London and Back.	Allowance during absence from Home.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Mr. Hugh Brown -	Attorney - - -	Nottingham	1	1 10 –	2 2 –	3 12 –
Mr. James Reed -	Parish Clerk - -	Withypool	3	4 – –	2 5 –	6 5 –
Mr. William Bushen -	Schoolmaster - -	Withypool	4	4 – –	3 – –	7 – –
Mr. George Godley -	Limeburner - -	Piecombe, Sussex.	1	– 15 –	– 10 –	1 5 –
Mr. James Mobbs -	Coachmaker - -	Swaffham -	3	2 – –	2 5	4 5 –
					£.	22 7 –

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MINUTES OF EVIDENCE.

Thursday, 6th May 1869.

MEMBERS PRESENT:

Colonel Barttelot.	Mr. Knatchbull-Hugessen.
Sir Michael Hicks Beach.	Mr. Liddell.
Mr. W. F. Cowper.	Mr. Lowther.
Mr. Fawcett.	Mr. Philip Wykeham Martin.
Mr. Leveson Gower.	Mr. Knight.
Lord George Hamilton.	Mr. Pease.
Mr. Vernon Harcourt.	Mr. Peek.
Mr. Andrew Johnston.	Mr. Walsh.

THE RIGHT HONOURABLE WILLIAM FRANCIS COWPER, IN THE CHAIR.

Mr. GEORGE DARBY, called in; and Examined.

Mr. *G. Darby.*

6 May 1869.

1. *Chairman.*] How long have you filled the office of Inclosure Commissioner?—Sir James Graham asked me to fill the office at the end of the Session of 1845, and I have filled it ever since.

2. Will you inform the Committee what are the powers entrusted by law to the Inclosure Commissioners with reference to setting apart portions of the inclosed commons for the purposes of allotments for the labouring poor, and for purposes of public recreation?—The clauses are the 30th and 31st of the Inclosure Act; I think that I can go through them probably without referring to the Act; the land out of which allotments can be set either for exercise and recreation, or for the labouring poor, is the same class of land; that is, land which is waste of a manor, on which the tenants of such manor have rights of common, or land on which the rights of common are exercised at all times of the year for cattle, levant and couchant, or to any rights of common which may be exercised at all times of year, and which shall not be limited by number or stints. those are the only classes of land out of which the Commissioners have power to set out allotments either for exercise or recreation, or for the labouring poor; but by the 30th clause the power of the Commissioners is limited as to the quantity which can be set out for exercise or recreation. If the members of the Committee will look to that clause they will find that that is according to the population, and therefore the Commissioners must limit the amount of exercise and recreation under the Inclosure Act to an amount which is defined in the 30th section; but it very often happens that at a subsequent part of the proceeding, under another clause, namely, the Valuer's clause, at a meeting the majority may direct the valuer to set out a larger amount of exercise and recreation ground than the Commissioners, under the 30th clause, have been able to do by their provisional order. With respect to the labouring poor, there is no such limit, and therefore it entirely rests with the discretion of the Commissioners as to what amount they consider necessary for the labouring poor out of that class of land which alone is subject to having allotments set out for that purpose.

3. Will you state what are the provisions which are made with respect to the money which is derived from the ground set out for the allotments for the labouring poor?—It may be disposed of in several ways; the Act of Parliament requires that a valuer should put a value, which is called a rent-charge, on the land so set out, which is the agricultural value of the land at the time, and in the state in which it was when it was inclosed. That may be disposed of in two or three ways: in the first place it may be sold, and the purchaser becomes entitled to the rent-charge, or any person may take it in whole or as part of his allotment; if not it must be allotted among the proprietors, and that is no doubt very often a question of some difficulty, as there may be a great many allottees, and it is forced upon them; it must be equally divided among those allottees, so that favour may not be shown to any particular one.

Mr. *G. Darby.*

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4. Have you known in practice that complaints have been made of too high a charge being put upon that land as a rent-charge?—Yes, occasionally; and not only that, but in one late case it was represented to the Commissioners that too high a charge had been put upon it, and the consequence was that a correspondence ensued between the Commissioners and the valuer; but the valuer adhered to his figures, and said that he could get fifty agriculturists to give him more for it; that being the case, we considered our hands tied, and we were obliged to take the rent-charge, and having called the attention of the valuer to it, and he having assured us that he had not set anything like too high a rent for it, because he could get that rent very well in the market, of course our hands were tied and we were obliged to adopt his figures.

5. Who is responsible for paying this rent-charge?—The churchwardens and overseers, to whom the land is allotted, are responsible for it; that is perhaps one of the most complicated parts of the matter; eventually there is power to take possession of the land; it is to be found in the 75th clause of the Act: Provided always, that when such allotment, or any part thereof, shall be let and occupied as gardens under the provisions hereinafter contained, the person for the time being entitled to the rent-charge charged thereon shall not distrain for such rent-charge on the occupiers of such gardens, but the person so entitled may, in case such rent-charge shall be in arrear, give notice to the occupiers of such gardens, and to the allotment wardens, or any of them, and shall thenceforth, until the arrears of such rent-charge, with all expenses occasioned by the non-payment thereof, shall be fully paid, be entitled to receive all the rent which, after such notice, shall accrue in respect of such gardens." I may state, that after the allotment wardens are appointed, they are the parties.

6. So that the responsibility rests with the allotment wardens?—Yes; they give notice to the occupier to pay the rent of his garden to them, which is in discharge of the rent-charge which is due from them after payment of tithes, rates, &c.

7. Supposing that the allotments are not let, and that therefore no money accrues to the allotment wardens, from what fund must they pay the rent-charge?—They must let the land to any person who will take it; of course, we cannot alter the Act of Parliament, but the Inclosure Commissioners have power to make certain arrangements and rules for the letting, which can only last for five years, and then it is out of their hands; practically, having only a limited power, and no means under the Act, of enforcing our regulations, we have never made such regulations; we have thought it more prudent to leave it to the parties, and we have written down for an explanation, when applied to on the subject, although we have hardly had power to do it officially.

8. Are you generally acquainted with the manner in which the ground for allotment gardens is used?—Our jurisdiction ceases; we might, as I said before, make regulations for five years, but we have no power to carry out those regulations.

9. Practically, you do not get any reports or information on the subject?—We have latterly done so, because we have sent circulars round to know how the allotment grounds were used, in consequence of an honourable Member here wishing to know that.

10. I will now ask you as to the practice of the office with regard to this particular branch of their business; will you state whether, when an Assistant Commissioner goes down upon the spot, you give him any definite instructions as to the matters with regard to which this Committee is inquiring?—We do no not give him definite instructions every time he goes down; we have but two Assistant Commissioners, and they know perfectly well that the rule of the Commissioners is, that whenever exercise and recreation ground or allotments can be set out to be available, looking to the quantity of land, and the population, and the state of circumstances, which is exactly what the Act directs, they shall take into consideration the circumstances of each particular case; and the Assistant Commissioners have to go over the land to see what it is, and to make all the necessary inquiries and to report to us; if it happens, as it has happened, that we think that that investigation is not satisfactory, and that it wants further inquiry, we require that further information; and I consider that the Inclosure Commissioners are the parties who are responsible for what is done; they are the heads of the office, and they are bound to see that it is done properly.

11. Then, in the first instance, the Assistant Commissioner, after getting all the information which he can upon the spot, reports to the Commissioners the amount of ground which he thinks ought to be appropriated for these two purposes?—Yes.

12. Does he at the same time give the reasons upon which he comes to that conclusion?—Yes.

13. Therefore, the Commissioners consider themselves responsible for either approving or disapproving of the report which the Assistant Commissioner has made?—Most decidedly; I consider myself responsible, and that if I have neglected that, I have not done my duty.

14. Will you state whether you consider it to be a rule, which should guide you in the amount of the allotment which should be set apart, to have reference to the existing population, or to the population which may come after the inclosure, or to any other matters of that sort?—The circumstances are, the nearness of the population to the land, and the fitness of the land for the purpose. Another thing is where the cottages are so supplied with gardens, that it is very unlikely that those who are so supplied should avail themselves of the allotment. I do not know that the future population, to any great extent, would come very largely into our calculations, and for this reason: I think it would not be a wise thing to set out an enormous quantity of cottage gardens, with the chance of capitalists building a bad class of cottages without a garden, and that those allotments should supply the place of a garden, because you then would inflict a very great injury on the poor, instead of a good. I have taken, I think, 26 or 27 cases, haphazard, of the largest inclosures which we have had, and I have taken from the census the population in 1851, and in 1861, and in the whole of those cases, on the average, there is no increase whatever in the population. I know that to be so. In my own parish, in the 10 years, we have not altered at all in population. In the neighbouring parish of Heathfield, there are 300 less. The agricultural parishes as a rule, as it appears to me, are not increasing in population.

15. Can you give us that return?—There is

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Westbury-on-Severn, in Gloucestershire, where 904 acres were inclosed; the population in 1851 was 2,498, and in 1861 it was 2,501. In Pyston, in Oxfordshire, the area inclosed was 645 acres; the population there was 692 in 1851, and in 1861 it was 705. In Kingsworthy, in Hampshire, the area inclosed was 487 acres; the population in 1851 was 382, and in 1861 it was 359. In Methwold, in Norfolk, the area inclosed was 366 acres; the population in 1851 was 1,669, and in 1861 it was 1,509. In Welland, in Worcestershire, the area inclosed was 800 acres; the population in 1851 was 582, and in 1861 it was 808. In Exford, in Somerset, the area inclosed was 1,040 acres; the population in 1851 was 580, and in 1861 it was 546. In Redwick, in Monmouthshire, the area inclosed was 325 acres; the population in 1851 was 281, and in 1861 it was 289. In Oxton, in Nottinghamshire, the area inclosed was 1,139 acres; the population in 1851 was 850, and in 1861 it was 738. In Goldington, in Bedfordshire, the area inclosed was 1,093 acres; the population in 1851 was 606, and in 1861 it was 609. In Shipton-under-Wychwood, in Oxfordshire, the area inclosed was 1,800 acres; the population in 1851 was 2,958, and in 1861 it was 3,163. In Thatcham, in Berkshire, the area inclosed was 632 acres; the population in 1851 was 4,293, and in 1861 it was 4,129. In North Molton, in Devon, the area inclosed was 2,337 acres; the population in 1851 was 1,982, and in 1861 it was 1,842. In Buckland, in Hertfordshire, the amount inclosed was 778 acres; the population in 1851 was 386, and in 1861 it was 385. In Marshfield, in Gloucestershire, the area inclosed was 298 acres; the population in 1851 was 1,648, and in 1861 it was 1,742. In Horsden, in Yorkshire, the area inclosed was 1,096 acres; the population in 1851 was 5,178, and in 1861 it was 5,209. In Hinderwell also, in Yorkshire, the amount inclosed was 844 acres; the population in 1851 was 1,947, and in 1861 it was 2,805. In Compton Abbas, in Dorsetshire, the area inclosed was 708 acres; the population in 1851 was 465, and in 1861 it was 456. In Maddington, in Wiltshire, the amount inclosed was 872 acres; the population in 1851 was 398, and in 1861 it was 396. In Alnwick, in Northumberland, the area inclosed was 2,684 acres; the population in 1851 was 7,319, and in 1861 it was 7,350. In Hayton, in Cumberland, the amount inclosed was 1,700 acres; the population in 1851 was 1,243, and in 1861 it was 1,256. In Egton, in Yorkshire, the area inclosed was 7,313 acres; the population in 1851 was 1,129, and in 1861 it was 1,256. In Askerwell, in Devonshire, the amount inclosed was 628 acres; the population in 1851 was 224, and in 1861 it was 223. In Droxford, in Hampshire, the amount inclosed was 1,353 acres; the population in 1851 was 2,005, and in 1861 it was 2,194. In Great Missenden, in Buckinghamshire, the area inclosed was 838 acres; the population in 1851 was 2,097, and in 1861 it was 2,250. In Mansfield, in Nottinghamshire, the area inclosed was 2,360 acres; the population in 1851 was 10,667, and in 1861 it was 10,225. In Peirn, in Buckinghamshire, the area inclosed was 1,119 acres; the population in 1851 was 1,254, and in 1861 it was 1,096. In Burstow, in Surrey, the area inclosed was 692 acres; the population in 1851 was 903, and in 1861 it was 927.

16. Mr. *Fawcett.*] Have you the amount of land which was allotted to the labouring poor?—When the question was raised as to the setting out land for prospective population, it was very important to know whether, when the inclosure had taken place, there was likely to be an increased population, and therefore we took 700 acres, 1,000 acres, and 2,000 acres. We took these large cases from different parts of the country, to see what effect the inclosures had upon the population; and the result of that investigation, is that the population in round numbers remains stationary.

17. *Chairman.*] Do you think that the same result would have arisen, if you had taken small inclosures as well as large inclosures?—They are both there, but of course we took some large ones, because the more land you are supposed to bring into cultivation, the larger you expect the increase of population to be, and therefore it would not have been fair, unless we had taken some of the large inclosures.

18. Is the population that of the parish?—Yes, it is the parish census; of course, we take the parish because it is only the parish who come into the allotment.

19. So that this return does not tell us whether there was any population springing up, and residing upon the inclosed land; but it allows us to draw the inference as to the general results of inclosure from the whole parish?—You might take a particular case; you might say that the manor is not exactly co-extensive with the parish, but you will find in nine cases out of 10, if you take the parish as a guide, that it will be right.

20. Should you say on other grounds that the labouring poor are not brought into the neighbourhood of these inclosed lands by the fact of the inclosure?—Honourable members, of course, must draw their own inference; I can only give them the facts; I think that it is very possible that when a common is inclosed the labouring poor may take more regular labour than they performed before.

21. Would your expectation be that these lands which are inclosed, being generally situated in a place which is not very convenient to live in, the land would be cultivated by labourers residing in some neighbouring village?—I think not. It must be recollected that where there is common field land it has been mown in severalty, and so on, and that there are a great many large inclosures which are employed for sheep, and for similar purposes, and that they are divided; but I doubt whether some of them very largely increase the amount of labour. It is a great advantage to the people who are owners, because in the case of men who are careless about their sheep, and who have scabby sheep in the neighbourhood of another man who is careful, of course by division the careful farmer gets a great advantage.

22. Do you mean that grounds upon which allotments have been provided are not generally employed for tillage, but for pasture?—No; of course it depends upon the quality of the land. No doubt the early inclosures inclosed the best land first. What you are coming to now is getting allotments upon land, which although liable to poor allotments would not be set out for poor allotments; who would set out a poor allotment at Dent, or on some of the high land of Westmoreland.

23. The men who are to be employed in the cultivation of this land might require allotments,

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might they not?—If they could be procured; on sending circulars to know whether the allotments had been sufficient, 24 cases were returned as insufficient. There were among these Grunty Fen, Chigwell, Royden, Missenden Tudley, Shepperton, Ingoldsthorpe, Sharlingford, Capey, Long Framlington, Prestwich, Car, and Cottesford, which altogether makes up a quantity of 7,284 acres for the places which I have named. Assuming that a great deal of that land is rough land, I, for the purpose of testing Mr. Tremenhere's figures, take his own proposition as to the number of men to be employed, namely, two men for every 100 acres, and that gives a population of 144. There were set out 339 acres for the labouring poor. Thus, for a population of 144 there were set out equivalent to 1,356 quarters of acres, and those were the cases in which it was said that the allotments were insufficient. Therefore, I strongly suspect that a different class of people must take the allotments. We sent circulars to every parish to know whether the allotments were sufficiently set out or not; I have taken those parishes only where they sent word that they had not sufficient. All that was required on Mr. Tremenhere's computation was for 144 persons, at a quarter of an acre each, as the Act of Parliament allows; we have set out land sufficient at that rate for more than 1,300 persons.

24. Mr. *Vernon Harcourt.*] To whom were the circulars addressed?—To the parish authorities.

25. To the churchwardens?—Yes, the strongest case against ourselves is where it has been said that the allotment has been insufficient, and I have only taken the cases where it has been said that the allotments were insufficient, and in those cases where it has been said that we ought to have set out 144 quarters of acres we have set out 1,356 quarters of acres.

26. *Chairman.*] You, upon the calculation of an average of two men for every 100 acres, thought that the allotments were sufficient, but the parochial authorities thought them insufficient?—They complained that they could let more; therefore, according to the Act of Parliament, taking two men to 100 acres, we ought to have set out 144 quarters of acres, but we set out 1,356 quarters of acres.

27. Mr. *Fawcett.*] You say that you only ought to allot ground for people who are employed upon the land; that is not in the Act of Parliament, is it?—I do not say that we ought to allot ground only to people who are employed upon the land, but I take a quarter of an acre to each man employed upon that land.

28. Your answer, as far as I understood it, made it appear to me that you only had the power to allot land to the persons actually employed upon the land; your calculation is based upon the fact of only two persons being employed upon each 100 acres, and that those are the people to whom land should be allotted?—Yes, but instead of allotting 144 quarters of acres, there were allotted 1,356 quarters of acres.

29. Supposing that there was a manufactory in one of these places, the men employed in that manufactory would come under the title of labouring poor, and you would have a perfect power of allotting land to those men, under the Act of Parliament, would you not?—Yes, that is perfectly true; but if the honourable Member asks me such a question, where there is a population of 10,000, I should say at once that I was not justified in taking land from the lord and the commoners, and allotting it to those who ought to find land for their own labourers.

30. But there is nothing in the Act of Parliament to restrict you from allotting land?—No.

31. *Chairman.*] In determining the amount of allotment which should be set out, you have reference to the population; I presume that you have reference to the existing population residing within a certain estimated distance?—Those who can use it.

32. What is the idea of the Commission as to the distance of the residence of a labourer from the inclosed land, which would prevent him from being considered as capable of using it beneficially?—I should say that an allotment which is two miles from a labourer, is perfectly useless to him. I have gone on with the allotments myself for over 30 years, and I am very much in favour of them. I have a regular audit, and the men pay their rent regularly; but unless a man is near enough to his allotment to be able to get to it without a four miles walk after his work, I know that practically it is perfectly useless to him. I find that with my allottees who are in regular work, not one of them can work more than one-eighth of an acre of allotment, and they never try it. I suspect that in some of these cases where it is said that the allotments are not sufficient, particular persons are alluded to. A chicken fattener, for instance, wants a large allotment; he has plenty of dung from his chickens, and this sort of man will take more; but you can never have a labourer with such a large allotment who cannot get his manure to it, and who cannot use spade labour. If he attempts as a labourer to hire labour, it will ruin him; and I say that after upwards of 30 years' experience.

33. Would you consider that the Act of Parliament intended to limit these allotments to persons employed on agriculture, or that those who were occupied as artizans or in trades, might be allowed the advantage of these allotments; and if so, would not they go a greater distance than you have mentioned?—If the Right Honourable Member will allow me to refer to the Act of Parliament, it seems to me that, taking it upon the whole, the Inclosure Act was drawn with very great care (I do not know who drew it), and apparently by persons very well acquainted with the subject. The question is, what construction you are to put upon the words the "labouring poor," and whether, under those words, you are to go to the different tradesmen. It is very well for me, in my private capacity, to let land to any one that I like, but the question is, what you are to do when you come to take allotments for exercise and recreation, and for the labouring poor, for stone quarries, and for schools, and for burial grounds. I doubt the fairness (and I say so openly), under that clause, of saying that you shall go into a large town, and provide out of the property of the lord and commoners for the manufacturing population what, it strikes me, their masters ought to find.

34. Supposing the case of a cobbler, or a journeyman tailor, who lived in a house which would have given him rights of common over the common before it was inclosed, do you not think that when the ground is inclosed that man should get an allotment?—I must leave that for the decision

cision of the Committee, but the fact of the matter is this: the Act of Parliament provides that in setting out allotments for the poorer classes, the valuer is to have his especial attention called to the provision for them, and it is done. You must recollect that there are a great many people in those commons who have cottages and who have allotments, and they have been dealt with most liberally in a great many cases, and beyond the law, in this way. I believe that there is an old statute of Elizabeth, which is repealed, which required four acres to a cottage, and in a great many cases it has been agreed that the cottage allotments, without any right to it, should be dealt with as if they had four acres of ground; that has been the case in a great many inclosures.

35. In your opinion, ought the words "labouring poor" to be exclusively confined to poor employed in agricultural labour. I was putting the case of a man who occupied a house which gave the owner of that house a right of common; and I was asking you, whether the occupier, who was not employed in agriculture, but in some other labour, might not share the benefits of those employed in agriculture?—I think not. I should think that if a man has an allotment of his own, he is not a man who ought to have another allotment at somebody else's expense.

36. I am supposing that he is only a tenant of a house which has a right of common, and that therefore he would not be compensated, but that the owner would be compensated?—No doubt if he had a right of common in respect of somebody else's right, and if he did not receive it, and if the other person received it, he would be just in the same state as if he had no allotment at all, and he would then be *pari passu* with other persons who were entitled to a "labouring poor" allotment.

37. Will you tell us why the words "labouring poor" should be restricted to agricultural labourers, as distinct from other labourers?—I do not profess to draw a distinct line. Nine times out of ten these allotments are in agricultural districts, but I certainly believe that the intention of the Legislature was to give such an allotment to a labouring man.

38. Is it not usual for allotments to be held by men who are not employed in agricultural labour?—I have no doubt that if the truth was got at, from the quantity of allotments occupied in some of these places, it would be found that in some cases they are held by a great many people who are not "labouring poor."

39. Do you not think that a cobbler, who has been sitting all day at his stall, has as much claim, whatever it may be, to the use of an allotment garden, as a man who has been probably digging all day?—The question is not whether he wants it as much, but, to look at the Act of Parliament, there is no doubt that they are the commoners. If they had held it in fee there might be only three who did not want to come into our Inclosure Act, but who wanted to inclose themselves. What the Legislature said was this: "If you choose to come and make use of our Act, you shall make use of it only on one condition, and that condition is, that where there are certain classes of land you shall give a certain quantity of that land, if you are required to do so, for exercise and recreation, and for the labouring poor. If you do not choose to assent to a provisional order with those provisions in it, you shall not make use of our Act of Parliament."

40. Why do you think that when the Legislature made this provision on behalf of that part of the public called in the Act "labouring poor," they had only reference to that portion of labourers who were labouring in agriculture?—For this simple reason: that, in the first place, as a rule, it is probable that the labouring population would be nearer, and, in the next place, you could not provide out of the commons of England for the whole of the persons who wanted gardens. If you went into a town and said that a thousand people must have these things if they could get at them, whereas there were only a hundred acres to do it with, it would more than absorb the quantity. I am not answerable for the discretion of the Legislature, but they seem to me to have said, "Here is a certain contract, which is fair, namely, that if you held all this land in fee, you could inclose your own lands without giving anything, but if you have limited estates in this way you cannot do it, except by a private Act, or by the cheaper process of coming under the Inclosure Act; you shall not make use of our Act without paying for it, and you shall give to the public so much ground for exercise and recreation, according to the population, if you are required, and you shall give to the labouring poor that amount which shall be thought just and meet, according to the particular circumstances of the case. Those are the conditions of the provisional order, and if you do not agree to those provisions, and if two-thirds do not assent to them, you shall not make use of this Act of Parliament."

41. Can you give us any reason why we are to suppose that that enactment on behalf of the public was intended to pick out those labourers in a village who happened to be employed in agriculture, and to leave out the other labourers not employed in agriculture?—I cannot; I suppose that they thought that that was a fair bargain.

42. Mr. *Fawcett.*] Can you give the exact words of the Act which make you suppose that the words "labouring poor" were intended by the Legislature simply to mean the agricultural classes; is that term in the definition clause?—The marginal note of the 31st clause is, "Allotments for labouring poor," and the clause is as follows: "And be it enacted, in the Provisional Order of the Commissioners concerning the inclosure, under the provisions of this Act, of any waste land of any manor on which the tenants of such manor have rights of common, or of any land whatsoever subject to rights of common, which may be exercised at all times of the year for cattle, levant and couchant, as aforesaid, or to any rights of common which may be exercised at all times of the year, and which shall not be limited by number or stints, it shall be lawful for the Commissioners to require and specify, as one of the terms and conditions of such inclosure, the appropriation of such an allotment for the labouring poor as the Commissioners shall think necessary." The Right Honourable Member in the Chair has driven me very close upon this point. I do not say, by any means, that the only persons who have allotments are the labouring poor. For instance, if an Assistant Commissioner went down and found a working saddler without any garden, he no doubt would take it into account; but the Right Honourable Member put to me a

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manufacturing population, and I say that I do not think that this Act of Parliament ever intended anything of the sort.

43. *Chairman.*] There is no interpretation, that you are aware of, which would limit the words "labouring poor" to persons employed in agriculture?—There is no specific interpretation. Supposing that a man was working for a saddler, he would not be excluded. But it is very difficult to draw the line. I was first asked as to a town with a manufacturing population. I should say, that if a man worked for a saddler, or for a shoemaker, and had no garden, the Assistant Commissioner would say, "This man has no garden in the village," and that he would set out an allotment.

44. It happens in many parts of the country, in Wales, and in the north of England, that inclosures are made in the vicinity of mines. Should you consider that miners living near those inclosed lands would be entitled to come under the general designature of "labouring poor"?—I do not know any very large inclosure which is now taking in the neighbourhood of mines.

45. Mr. *Liddell.*] May I remind you of Arundale Common, in Northumberland, which is 18,000 acres. Arundale appears to be under the heading of "Applications for Inclosures not yet sanctioned." The application appears to have been made in 1856?—It is abandoned.

46. *Chairman.*] Will you tell us the principle on which you deal with that case, or with a case in Wales, where persons employed in slate quarries are in the vicinity of the land inclosed. Would you consider those miners or quarrymen, as being part of the labouring poor for whom allotments are to be provided?—No; you must take into consideration the amount of land to be inclosed, and what is fair between the parties. For instance, supposing that you brought up a very large mining population close to a common, and said that every one of those men must have a quarter of an acre, would you think that the Commissioners would be acting justly if they absorbed the whole of that common, and took every bit from the commoners, and from the lord, and handed it over to the miners?—These general questions are rather difficult to answer. If you will give me any particular case, in which I am told that the Commissioners have not exercised their discretion rightly, I shall be able to look at the Report, and to see the grounds of what has been done, and shall judge for myself whether I have there exercised a right discretion or not; but when you put a general case of that kind, you might say that there are 3,000 miners with 200 acres of common, and the question is, are you to find a quarter of an acre out of those 200 acres of common for each of those 3,000 miners.

47. Do you think that it would be right, supposing that a very considerable population of miners and quarrymen were living in the neighbourhood of an inclosed land, to exclude them altogether from any share in the allotment ground?—Certainly not.

48. Therefore, the right course would lie between those two extremes?—Yes. If they were living close, or if there were cottages without gardens, I have no doubt that they would be considered, and that the thing would be taken fairly; but you must look at the quantity of land to be inclosed.

49. Will you state the view which the Assistant Commissioner takes with reference to the recreation ground which he is to set apart; what circumstances ordinarily guide him in the selection?—He looks at the amount of the population, and the nature of the ground; he sees whether, if he sets it out, there is likely to be an exchange made for it. We take into account the proximity of the population to that ground, and we are guided by that, but we are limited by the Act of Parliament according to the population.

50. That is to say, that it must not be more than 10 acres?—There cannot be more than 10 acres in any case.

51. Is any money payment derived from this recreation ground?—You can allot the herbage, if you please, but it is generally allotted with the condition that no heavy cattle shall be put upon it.

52. And the management is with the churchwardens and overseers?—Yes.

53. Are they responsible for keeping it in order?—Yes.

54. What funds have they to spend for the purpose of keeping it in order?—They have no funds, except rent for the herbage. The valuer is bound to level it, and to fence it, unless sometimes the parties ask not to have it fenced. There have been cases where they have asked not to have it fenced, and sometimes where there is a requisition of that kind, it is complied with, but the ground is usually fenced and levelled, and made fit for a recreation ground at the expense of the inclosure.

55. Will you state your relations with the Home Office, with regard to this matter. I understand that when you have approved of the Report of the Assistant Commissioner, you make a provisional order?—Yes; we make a provisional order, which must contain, if the land is waste, the amount allotted to the lord; it contains the amount of exercise and recreation ground referring to a map of the place where it is to be; it also sets out the allotments to the labouring poor, and sometimes there is a requirement for a site for a school, or various things; 700 acres have been set out during the operation of the Inclosure Act as sites for schools. The document has to be signed by two-thirds of the parties interested, and when it is signed by two-thirds of the parties interested, it goes in, in a Report to the Home Office, as inclosures sanctioned by the Commissioners. Then that is embodied in a public Act of Parliament, and that Act of Parliament either rejects the particular inclosure as a whole, or passes it. The lord has a veto upon the provisional order, and therefore unless he assents to that provisional order you cannot inclose the waste at all.

56. Has the lord of the manor that veto independently of the copyholders?—Yes; and therefore, unless he assents to the provisions of that provisional order there is an end of the inclosure proceedings. Therefore, as there must be a contract between the lord and the commoners, you of course could not, behind their back, do it without their assent.

57 Has the Secretary for the Home Department any opportunity of making alterations in your provisional order, or is he in any special way responsible for it?—I do not conceive that any person has a right to alter the provisions of the provisional order; for this reason, the lord has a veto, and therefore he says, "I will not assent to this inclosure except upon these conditions," and

and consequently as he has a veto, and he assents upon certain conditions; the principle has always been considered that either those conditions will be fulfilled in the inclosure, or Parliament will say, "We do not sanction these provisions."

58. Practically, after that provisional order has been passed, the only thing which remains, is either for Parliament to adopt and confirm it, or to reject the Act altogether?—Certainly.

59. Do you think that the limit of a quarter of an acre for allotment gardens might be enlarged?—If you mean to give it to the labouring poor, whether you take them as miners, or as any other persons, my firm conviction, from nearly 40 years' experience, is that no man who is really in work can deal with a quarter of an acre; it is impossible, he cannot find manure for it. I had two allotments which I made to two people who were away from the rest, and to whom I let more land; they could not plough or manure the land, and I found that they were doing mischief instead of doing good. Therefore, I am perfectly certain that a quarter of an acre is too much unless a man can get sufficient manure; because he grows cabbages, and those things which require high cultivation, and therefore unless he has the means of getting manure, and can use his labour by way of spade labour, I am perfectly certain after 40 years' experience, that it is of no use for him to have a larger quantity than he can so cultivate.

60. Supposing that the ground had to be exclusively cultivated by an agricultural labourer himself, a quarter of an acre might be ample; but are there not many cases in which a labourer, either agricultural or in another way, has children who are able to aid him to such a degree that practically he gets a very good remuneration from half an acre?—No doubt he has children, but still my opinion is practically that he cannot use a quarter of an acre, because in the first place now, you find it very difficult to get boys at all, they are absorbed; the difficulty is to get boys in most parishes which I know; and, in the next place, those boys ought to be learning a different sort of work, or else they will be worth nothing. If they learn to dig and nothing else they will not be able to earn their livelihood. You must teach boys all sorts of work early, if you ever mean to make them succeed in life afterwards.

61. Do you not consider that working in a garden is very good training for a boy?—To a certain extent. I will take my own county. Supposing that a boy has never learnt to use a billhook, or has never been with his father to see hedging, he is only fit to fill a dung cart, and to be a beggar all his life.

62. Supposing that he only applied his leisure hours in cultivating a garden, would it not be an advantage to him, instead of a detriment?—No doubt of it. We will take a family; we will say that there are five boys. A boy, after he is 15 or 16, is away from his father. According to the present plan, you say that you are not to let boys work till they are 10 years old, and when they are 15 they go away. There is no doubt that if a man has two or three boys, he may be able, if he can find manure for it, to cultivate more land than another man, but that is just the discretion which you require to exercise in letting out your allotments. I do not know how it would be exercised by the allotment wardens, but I know that, practically, in doing it in private, you use your discretion in the quantity of land which you let a man have according to the means which he has of cultivating it; and if you let him have more than he can cultivate, I am quite sure that no good at all will be done.

63. In your report you state, as a reason for not giving allotments, that in many places the labourers are already provided with cottage gardens; have you, in those instances, ascertained that the cottage gardens were of a size which would approach the amount which you give in allotments?—It depends upon the size of those gardens. Where a man builds a wretched cottage, there is hardly any garden; but I have a number of labourers who have large gardens, and they will not come near allotments; they will not take their manure a mile when they can put it on with a wheelbarrow, and get all that they want by high cultivation.

64. Then, may the Committee assume that the Assistant Commissioner has been sent down, not merely for the purpose of ascertaining the fact of there being a garden, but that he has gone into the amount of the garden?—Certainly.

65. Mr. *Knatchbull-Hugessen.*] I gather from your answers that you consider that the action of the Home Office is only ministerial?—The only way in which the Home Office would apply to us would be, that supposing that anybody made a complaint, and wrote up to the Home Office, they would write to us for explanation.

66. When you have issued a provisional order, you require a confirming order, which goes to the Home Office?—Yes; that is entirely ministerial.

67. And in fact, inasmuch as the consent of the lord of the manor is necessary before that provisional order is issued, any alteration from that provisional order, either by the Home Office or by the House of Commons, would, in your opinion, invalidate it, and render necessary the introduction of a new Act, founded upon a new consent obtained from the lord of the manor?—Yes.

68. Are you aware that before the Inclosure Act of 1845 inclosures were made, to a considerable number and extent, of an irregular character?—Some of them were very irregular, because they had to come to us to be set right under one particular section of the Act.

69. Was not the Act of 1845, passed with the view of remedying the extreme irregularities of the system, and also of applying that remedy for the purpose of protecting the poorer classes of the community, whose interests it was considered had not been sufficiently thought of?—Though I was in the House of Commons, I knew very little about that Inclosure Act. I take it that it was done for this reason: in the first place, the inclosures were conducted at an enormous expense, and were very often not finished at all; the expense of an Act of Parliament was about 500 *l.* or 600 *l.* Taking simply the period of the process through the Inclosure Office, up to the time when the private Act of Parliament was passed, in the one case the expense was about 500 *l.* or more, and in the other under 20 *l.*

70. Therefore this Act has been of very great service to the public?—I suppose that it has.

71. When you proceed to an inclosure, do you find certain defined rights; that is, those of the lord and certain persons having certain rights of common?—The honourable Member now confines himself to the waste of a manor. The way in which

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which it is done is this: of course in the first instance it is only *primâ facie*; the first thing you have to do is upon an application; there are certain answers which have to be made; there are certain questions as to how many acres there are; the class of the land; who is the lord; how many rights there are, and the nature of the rights, and so on; then you have to send down an Assistant Commissioner, to inquire into the accuracy of those statements, and to say whether inclosure ought to proceed or not. It is his duty to take care that as far as he can find out, one-third of the persons interested have signed the application; it requires one-third in value of the parties interested to sign the application, in order to give the Inclosure Commissioners any jurisdiction to proceed at all.

72. Not one-third in number, but in value?—Yes. When we find that one-third have signed the application, the next process is to send down a provisional order, which embodies the terms and conditions upon which that inclosure is to be sanctioned. Two-thirds in value (that is including the lord's interest) must sign that paper, before the Inclosure Commissioners can proceed to that inclosure. If two-thirds in value, including the lord, do not sign it, then the Inclosure Commissioners are deterred from proceeding any further with the matter. When those two-thirds have signed, that is reported to the Home Office, in the annual report, on the last day of January; and upon that a Bill is founded. After that is sanctioned by Act of Parliament, notice is given on a particular day for the appointment of a valuer. The parties interested in the first instance appoint that valuer. If there is not a majority in number, and interest, in favour of the particular valuer, it falls to the ground, and the Inclosure Commissioners appoint, that is by Act of Parliament, but there is generally some arrangement made. Then when the valuer is appointed, he names the day to receive the claims. Then those claims are investigated, and if objections are made to them (I believe that I am following the Act pretty correctly, but I am speaking from memory) an Assistant Commissioner has to go down to hear those objections; and then there is an appeal against those objections; if the party is not satisfied with the decision, he may appeal against the decision. That is done either by another Assistant Commissioner, or by the Commissioners, but it is usually done by another Assistant Commissioner, because it is usually done on the spot for convenience. When that is done, if a man is dissatisfied with any point of law, upon notice, he can try the question on a feigned issue before a court of law.

73. With regard to the forms and questions which are answered, is it not under the 24th section that you frame them?—Yes.

74. Could you furnish us with those forms?—Yes.

75. The answers to those questions are filled up by persons who have made application to you?—Yes.

76. And I believe that you do not act until you are put in motion by local persons?—Just so; we do not promote inclosures in any way whatever; we are merely the instruments to carry them out upon application.

77. Under this Act you settle between the lords and the public, protecting the interest of the one, and of the other?—Yes, and also the interests of the remainder-men. For instance, we have had a case. If men had a fee-simple interest in what they did, of course they might do what they liked, but we have had cases; it is not very often so, because, as a rule, the lords have been extremely liberal with regard to allotments, and the returns will show it; the Bishop of Winchester I will name as one instance. But we have another thing to protect, namely, a limited interest. Sometimes the commoners claim too much, and sometimes the lords claim too much. I know one instance where so much was claimed by the lord, that we did not think it fair to allow the provisional order with that amount in it, and we stopped that provisional order until it was altered.

78. Is it not the fact that all the rich and poor who have common rights, are invariably satisfied by the Commissioners, irrespectively of the 30th and 31st clauses of the Act?—No doubt of it, and where there is a class they generally appear, and if they appoint one particular solicitor to represent them in their interests, then the Act of Parliament distinctly states that their interests shall be specially attended to, and they always are most distinctly attended to. There is no doubt, that under this Inclosure Act, if a man has a right he can have it in land or money.

79. Are you aware of any complaints since the Act of 1845 by persons who have claimed the rights of common, and have not been satisfied?—I cannot say, because sometimes one man claims something and somebody else objects.

80. Has there been any case of the inclosure of a common, in which you have had practical difficulties in that respect?—I must fairly say that taking it as a whole, considering that there must have been tens of thousands of cases where there could have been appeals, and trials, since 1845, and considering the thousands and tens of thousands of cases in which these questions might have been raised, I cannot conceive of any Act which has worked more smoothly than the Inclosure Act; and the great proof of it is, that where there have been actions, as there have been a few in manors, the great majority of them have been decided in favour of the Inclosure Commissioners.

81. I will separate the two classes of cases; one class is where there are defined rights of common, and the other class is where there are certain undefined rights held, or supposed to be held, by the public. Has the latter class been dealt with under the 30th and 31st sections of the Act?—No, I do not think that there is any question upon that.

82. The 30th and 31st sections do not deal with persons who have these rights of common, because they are otherwise satisfied, are they not?—I think that it was regarded as a matter of public policy to apportion a certain amount of ground for exercise and recreation, and for the labouring poor, and that the Legislature said this: "You now can only get an inclosure at a great expense, you have it badly done; we will give you the means although you have only limited interests, of doing this in a cheap way, and you must take the condition attached to your use of the Act; you must give up such and such things." That is my impression; it may be a wrong one.

83. Those persons who have defined rights of common have been satisfied?—Yes.

84. Then these 30th and 31st clauses were meant to deal with a certain class of people who did

did not come under the category of persons having defined rights of common?—I understood the honourable Member to ask me whether it was to compensate undefined rights, and my answer was that I did not think that the Legislature meant to compensate any rights under it; they said, "We give to you an Act of Parliament which is a very cheap Act of Parliament if you choose to use it; we think that as a matter of public policy it would be very advantageous to set out allotments for the labouring poor, and ground for recreation, and you shall not use our Act of Parliament unless you do that, in the discretion of the Inclosure Commissioners who have to carry it out."

85. With regard to these people with whom the 30th and 31st section deal, whether they be persons having rights at all, or not, are they always persons living in the parish?—No; with great deference, will the Honourable Member allow me to refer to the Act. The 30th clause is an appropriation of allotments for the purposes of recreation for the inhabitants of the neighbourhood; it is necessary that I should refer to the Act, because the words in the two clauses are not the same.

86. The Chairman has asked you, as I understood him, with regard to a person occupying a tenement which had an allotment to it, and with respect to the occupier as tenant having another allotment. Should you not consider it rather unjust that one tenement having been satisfied by this right of common should have a second allotment under the 31st clause?—It would not be so; I understood the Right Honourable Chairman to say this: "If I as a landowner let a cottage, and I put in a right in respect of that cottage, for allotment, and when I get the allotment my tenant has not the benefit of it, would not that tenant, not having the benefit of my allotment, be entitled under the Labouring Poor Allotment Act to have an allotment?"

87. Would not that be giving two allotments?—No. The assumption is that the landlord has one allotment, and that the tenant does not get it.

88. Every allotment which you gave would, of course, be taking so much away from the lord, and those who had rights of common?—No doubt of it; the honourable Members must be aware that there is a great difference; if you ask whether a large population in a town are to be called "labouring poor," because they are not capitalists, it is one question; if you ask me whether a man who has a cottage, and works for a village saddler, on the village green, could not have an allotment, I should say that of course he would.

89. Under this Act, very large discretionary powers are left to you with regard to allotments, are they not?—Yes.

90. Do you think that in these cases full and due notice is given to the public before every inclosure?—That is a very difficult thing; no doubt that is a question; there are a large number of interests, and some of them, perhaps, residing away; you cannot, of course, give individual notice, but the practice of the Commissioners under one of the clauses, I think, in a great measure remedies that, because if any person has not heard of the proposed inclosure, and afterwards wants to put in a claim, we have the power, on his stating the reason why he did not do so before, to allow him to put in a claim afterwards, and that power is exercised most liberally; and for this reason: we think that it is very hard that, because a person has not heard of it, he should be ever afterwards deprived of his property; and therefore we exercise that power as liberally as it can possibly be exercised under the Act, and always have done so.

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91. Are you aware that complaints have been very often made, as in a very recent case, of proceedings going on; and can you suggest any way in which more public notice can be given under this Act?—It is advertised in the papers having circulation in the district, and it is put on the church and chapel doors. The greater the publicity, the better I should like it, but unless you gave a notice to each person (and as you do not know who all the claimants are, you cannot do so), I do not know how greater notice can be given; as a rule, I believe that the great body of the people, where an inclosure is going on, always know of it; but the cases in which they do not know of it are those of individuals who may be living at a distance, and through the neglect of a tenant, or somebody of that kind, they are not informed of it. In that case, under the clauses of the Act, we invariably, upon anything like fair grounds, allow those claims to be put in at a late period; and that power is exercised as liberally as it can possibly be consistently with allowing an inclosure to go on; of course, if a man did not put in a claim until the time of signing the award, you must go through the thing again, if you entertained his claim, and you could not do it; but it is always done up to a reasonable time.

92. You were asked a question as to the number of places where allotments had been insufficient, have you not received answers that in some instances they were more than sufficient?—Yes; I received a letter this morning in which the writer asked whether the Inclosure Commissioners would allow the allotments to be sold.

93. Have you completed the inquiries which you sent out?—Yes, we only took notice, I think, of those cases where the parties said that they could have let more; for instance, there is a case where they say that they could let more, where, I think, 250 acres are set out for allotments.

94. I understand that you instituted inquiries as to whether these allotments had been sufficient or not?—Yes, and when it was said that they were insufficient, it was my duty to find out whether it was from the fault of the Inclosure Commissioners, and whether it could be remedied; for instance, in Grunty Fen, 250 acres out of 1,400 acres have been set out for the labouring poor; of course, it has taken some little time to do this, but if any honourable Member will tell me what he wants, if I can possibly extract it from anything in the office, he shall have it.

95. I have understood you to say, that in every case, you consider the wants of the existing population, and do not think it necessary to look forward to prospective population?—That is one of the things which it is rather difficult to define; if you were to speculate upon any amount of population which there might be hereafter, it would be setting out ground under the Act of Parliament for labouring poor who might hereafter exist; and upon what basis would you calculate what in any particular place the population in 50 years might be? I do not mean to say that the Act will not bear that construction to a certain extent, but it must be exercised with caution, and not according to the fancy of the Commissioners setting out the property of other

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people upon their own speculations; it requires very great caution, and I think that if honourable Members had to work it they would find it so.

96. As a Commissioner, you are of opinion that if Parliament thought that, as a matter of policy prospective population should be provided for, the Act ought to be made more definite in that particular?—They could not state what that population would be, and therefore they must form some sort of speculation; I therefore suppose that they must limit what the Commissioners should set out. Of course, whatever Parliament tells the Commissioners to set out, they will set out, but it is a very difficult task to say to the Commissioners that where there is a limited number of acres they must calculate what the population will be in 20 years, especially when in 30 cases they find that there is no increase in population at all.

97. You would adhere to the statement that while the population of the whole country has increased so much, still it has not increased in these particular districts?—It has not increased in one of those particular districts; that fully accords with my own experience in Sussex; my own parish has not increased in 10 years. The next parish, namely, Heathfield, has decreased 300, and another parish near me has decreased 200. My own local knowledge coincides with these figures.

98. Mr. *Vernon Harcourt.*] Is it not required by the Act that the Inclosure Commissioners should state, on all occasions where waste lands of a manor have been inclosed, if they have made no appropriation, why no such appropriation has been made; is not that a requirement under the 30th section?—Yes.

99. In Withypool, 1,904 acres of land are inclosed, and one acre is allotted for recreation; what is the view of the Commissioners with reference to the character of the recreation which can be carried on upon an acre of ground; what games do people play in one acre; you have power to give four acres under all circumstances, and here you only give one; why is that?—I think that Withypool is very elevated ground.

100. That may be a very good reason for giving none, but if the population can use the ground at all, why should you only give one acre?—I see that there is one acre for exercise and recreation, and that there are five acres given for the labouring poor.

101. I am now asking your attention to the question of recreation ground. The Act says, in the 30th clause, however small the population is, "in every case, except as aforesaid, not exceeding four acres;" why did the Commissioners give only one acre in that case?—Of course, I shall be very happy to answer the honourable Member, but I am sure that the Committee would hardly expect me, without the report, to give offhand an answer in every case when one has had hundreds of inclosures to deal with.

102. This is the Report presented to Parliament in this Session, and I want to know how far the Commissioners have applied their minds to the consideration of the particular cases?—I believe that every one of the Commissioners (I know that I did, and I believe that my colleagues did), before making the report, went through every single Assistant Commissioner's Report. I went through every Assistant Commissioner's report myself after the thing was drafted out, and I believe that both my colleagues went through every single report of the Assistant Commissioner in every case before sending in the Report; but, of course, I cannot without having the Report before me take any particular case, and give the particular reason. I believe that the case of Withypool is a curious one. I think that Withypool was an inclosure which was made a great many years ago, and that there was a report upon it, and that it was abandoned; and I think that in that case there were two acres given for exercise and recreation, and four acres for the labouring poor, and that when a second Assistant Commissioner went down he gave one acre for exercise and recreation, and five acres for the labouring poor.

103. *Chairman.*] On another occasion will you give the Committee further information upon that point?—Yes; I have no doubt that Mr. Wetherell, whom I understand you mean to call before you, is thoroughly acquainted with the case; he was, I believe, the Assistant Commissioner. I think that Mr. Langworthy reported upon it first, and that Mr. Wetherell reported upon it the second time.

104. Mr. *Vernon Harcourt.*] You told us in the first instance that we were to look to the Inclosure Commissioners as the persons responsible to Parliament for the propriety of the exercise of this discretion vested in them?—Yes, and I say so still.

105. Looking at the Report presented to Parliament in the last few months, are you in a position to tell us upon your responsibility, why one acre alone was appropriated for recreation ground in the case of Withypool; and if you cannot tell us, how can Parliament rely upon this information?—Out of the scores of acts which I have to perform every day with copyhold, and drainage, and tythe, if you take me at a shot and ask me upon any particular thing, without reference to any paper, the only course would be to refer back in order to see what was done; my memory serves me so far that this was an old inclosure which was abandoned. Mr. Langworthy who is now dead, was the Assistant Commissioner in the first instance, and since then I think that it was Mr. Wetherell, and they both came to the same conclusion. I said that I thought that it would be convenient to examine the person who had been on the spot; but if this has been done wrong I hold myself responsible for the error.

106. Then it comes to this, that the person from whom Parliament is to expect the information is not the principal Commissioner, but the Assistant Commissioner?—If the honourable Member desires that I should give him every particular as to this case, without looking at all into it, although it is natural enough that I should desire to see what it is before I answer the question, the only thing that I conclude is (and I daresay it will turn out so), that in that case the Assistant Commissioners probably thought that the poor allotments in that district might be larger in proportion to the exercise and recreation ground than in other districts. Sussex is a great cricketing county; in other counties they do not know the game at all, and therefore the Assistant Commissioners evidently thought that the poor allotments were of more consequence than the exercise and recreation ground. It is a curious thing that the same total quantity is given by both Assistant Commissioners.

107. I see that the allotments for recreation are to be given to the people in the neighbourhood; is there

there any definition which has been practically adopted by the Commissioners of the term "neighbourhood"?—Yes; what you call the "neighbourhood" is, in the classical sense of the term, and the true sense of the term, namely, those persons who are sufficiently neighbouring to take advantage of it; you would not set out exercise and recreation ground for people living four miles off.

108. It has no reference to the parish, or the manor?—Certainly not.

109. But you apply it to any distance which you think may be fairly used by the population?—Yes.

110. I believe that you have power to make exchanges, have you not?—Yes.

111. Have the Commissioners ever acted upon the principle that, where an inclosure was at a distance from the population, it should be a part of the condition of the inclosure that people interested in the inclosure (as for instance the lord of the manor), who had land round the village, and waste land some distance from it, when it was not convenient to give the population the ground at a distance, should exchange it for a portion of land near the population?—Wherever the Commissioners have seen an opportunity of exchange they have embraced it if it has been under the Act, but certainly they have not put a pressure upon the lord of the manor, because the allotment is given up by the whole body. As an Inclosure Commissioner I should feel that I had no right to go outside the Act of Parliament to put the screw upon the lord, and I could not do it, because the commoners and the lord are jointly interested.

112. Have you the power, or not, to effect an exchange if an inclosure is distant from the population; have you the power to set apart a plot of ground, and then to exchange it as against a plot of ground nearer to the population?—Does the honourable Member mean to ask me whether I have power in the Inclosure Act to say, "I will not allow this inclosure to go on unless the lord will consent in the provisional order to exchange some private land of his own"? There is no such power at all.

113. You have said that you understand the words "labouring poor," generally speaking, to mean the agricultural labourers of the district?—It is very difficult to define the expression. If a man is living in an agricultural parish, or in any place of that kind, and has a cottage without any ground near it, and is employed as a journeyman shoemaker, I have no doubt that he would have an allotment; but that is a very different thing from saying that the manufacturing population in a town have such a right.

114. Mr. *Fawcett.*] I think that you are referring to a question which I put. I did not refer to the population in a town, but I referred to an isolated manufactory in a town, for instance, a straw bonnet manufactory or a silk manufactory?—I suppose that there the common would be set out.

115. Mr. *Vernon Harcourt.*] I find that in the last Report of the Commissioners there is the following statement in paragraph 13:—"Lightwood Green and Knolton Bryn, in the parish of Overton, containing about 39 acres. The population being agricultural, and engaged in open-air employment, and the lands being at a considerable distance from the village, an allotment for exercise and recreation has not been required." Looking back to one of the other Reports, I see that it is alleged as a reason for not making an allotment for recreation, that the people are agricultural labourers occupied in open-air employment. Is that the view of the Commissioners?—No; the honourable Member must not separate the two things. You might find that a population was near some place where there was no possibility of getting fresh air, and the people might like to come out to a distance to get that air; but if you get a population who are out of doors all day, and at work all day, and if they have to go three miles to a recreation ground you will never find any of them there. The Commissioners must therefore exercise their discretion.

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116. In determining whether or not to set apart recreation ground, is it a part of the consideration that people are engaged in open-air employment. I think that I have seen several cases in which that has been alleged as the sole reason for setting aside no ground for recreation, namely, that the population is agricultural, and engaged in open-air employment; am I right in that?—Two conditions are adhered to, one of which is distance. I say that any man who has all his life been among an agricultural population, and who is engaged in out-of-door employment all day, will get in the evening to cricket, if he can do so, but he will not do so if you make him go three miles to cricket, and therefore I do not think that you exercise a wrong discretion in shutting that out. When the honourable Member talks of air and exercise, he separates that from distance, whereas the two things are combined together.

117. Is it an element in the consideration, that in addition to the distance, the people are persons of an agricultural character engaged in open-air employment?—I refer to persons of an agricultural character at a distance, which would prevent their using the exercise and recreation ground.

118. Is it an additional reason, superadded to the distance, for not making an allotment for recreation, that the population is of an agricultural character?—I say that it is not an additional consideration.

119. It is an element in the consideration?—Yes, but not separate from it.

120. Is it an element in disallowing recreation ground, that the population is of an agricultural character?—I can give no other answer than that which I have already given to the honourable Member.

121. What measures do the Commissioners take to revise the inquiry which is conducted on the spot by an Assistant Commissioner?—The Commissioners receive his report, and when that report is received, sometimes the parties themselves refuse to go on with the inclosure, if they are compelled to set out those allotments; then the Commissioners have said that they cannot sanction the inclosure without it. As far as the Commissioners are concerned, if they think that the circumstances of the case are such as to induce them to believe that any error has been committed, they immediately communicate, and have a full explanation upon the subject.

122. What should lead them to think that any error has been committed, apart from any representation from persons on the spot?—If the report upon the whole is satisfactory, the Assistant Commissioner having been over the ground, the Commissioners adopt it. It is upon their responsibility that they make that assumption;

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tion; and if their assumption is wrong, they are responsible for that assumption.

123. Assuming a report to be sent in to you by an Assistant Commissioner, you say that if it appears upon the whole to be satisfactory, you confirm it. What means have you of judging whether it is satisfactory or unsatisfactory?—We know the district of country into which he goes, and he tells us the nature of the ground and of the population. You can only take evidence from a responsible man who has seen the spot. No Poor Law Commissioner in London could go down to see whether his Assistant Commissioner was exactly right as to what he had reported to him. You must judge for yourself from the statements of the Assistant Commissioner whether they bear out the line which he has taken. If I make a mistake in checking the report of the Assistant Commissioner, I am responsible for that mistake. We constantly see him and check his evidence.

124. There are 14 inclosures recommended by the Commissioners to Parliament in this Session?—Yes.

125. How many of those places have been personally seen by the Commissioners?—Not one. If any of the Commissioners had to go down to these inclosures, instead of every letter being answered on the same day it would be deferred for a considerable time. There are College Estate Acts, Copyhold Acts, Drainage Acts, and Tithe Acts; and it would be simply impossible that we could go down to look at the allotments. Mr. Wetherell, who is one of the Assistant Commissioners, is a man of very considerable experience, and who has been in the country all his life, and is perfectly acquainted with property, and I should say that Mr. Wetherell is as fit a man as could be selected; he is a man perfectly acquainted with all those subjects.

126. As a general rule, the Commissioners in no case have any personal acquaintance with the districts dealt with under the Inclosure Act?—Certainly not, as a rule. In one case there was a great dispute, and I think that the late Mr. Mules went down; but as a rule the Commissioners do not go down and personally inspect the places, but they are inspected by an Assistant Commissioner, who reports to them.

127. Then the question whether the inclosure is near enough to the population, or is too far for the purposes of recreation or allotments, depends upon the report of the Assistant Commissioner?—Yes; and when he states what the distance is, the Commissioners draw their inference as to whether or not they ought to give these allotments; but of course we assume that the Assistant Commissioner, when he is upon the spot, exercises a sound judgment.

128. You said, in answer to the Chairman, that you would object to any considerable unappropriated allotments being made, as I understood, for fear that cottages should be built without gardens, hoping to take the benefit of those allotments?—No; I did not say that that was the reason. The Right Honourable Member in the chair asked me a general question as to the difficulties of speculating under this Act with regard to the possible population, and I said that if you speculated upon the possible population, inasmuch as it could not be defined by Act of Parliament what that population would be, some limit must be fixed by saying what portion of any ground should be given for this purpose. That is, I think, what I said. Parties say, "We have allotments; they are a nuisance; have you any provision in the Act enabling them to be sold?" If you set out too much, there is no provision to get rid of it.

129. Do you not consider that in a large part of the agricultural districts of England one of the greatest evils is the insufficiency of cottage accommodation for the labouring poor?—The insufficiency of cottage accommodation for the labouring poor involves the question of houses as well as gardens, and as far as my present experience goes, that accommodation is being very much increased from the force of circumstances. There are very large sums being borrowed for the purpose of building, and then the estate is charged for it. Formerly persons were inclined to keep the cottager out of the parish; I conceive that labour is becoming very much scarcer, and the inducement now is to keep the labour there by giving a man a comfortable cottage, and garden; and in those very places where they were inclined to get rid of those cottages they are building them in order to secure labour to themselves.

130. Do you not think that any system which kept in each parish a reserve of unappropriated land which might be available for the accommodation of the labouring poor, would be a valuable correction to the present restriction, as regards house room for agricultural labourers?—I think that I would not have anything to do with the house room for labourers' cottages. If any class of cottages was built to take advantage of this land, they would be the very worst of cottages to take advantage of those allotments; but when a man builds on his own land, and on his own farms, he builds good cottages, and if you mean to take the bull by the horns you had better get back to the principle of the statute of Elizabeth, and say that no man shall build a cottage without one-eighth of an acre of land being attached to it. It is impossible that you can give allotments as building land; that is out of the question. Then the question is, whether those allotments ensure such cottages as you wish to see built for the labouring poor; I say that they will do nothing of the kind, and in my belief, rather the reverse.

131. I understand from your evidence generally, that in your opinion the inclosures which have hitherto taken place have not tended to increase the population of the districts in which they have been made?—What I have done is simply this: Colonel Leach just took by hap-hazard a certain number of inclosures in certain places, without knowing how they would turn out, and he then went into the population returns, and the result is that the population has remained stationary in those places.

132. Generally speaking, what is the view of the Commissioners with reference to the inclosures; do you think that you are bound to make an inclosure upon the application of sufficient parties, according to the Act, setting aside such portions of land as you think requisite?—Yes; unless there is some reason against it. The Commissioners have always held (and I think that they are right), that the Act of Parliament is a beneficial Act of Parliament; and in no case have the Commissioners interfered to ride roughshod over the parties interested. The Act of Parliament requires one-third for the application, and it requires two-thirds for the sanction, and if those conditions which we think are required by the Act

Act of Parliament, were embodied in a provisional order signed by those two-thirds, I should not allow any caprice of mine as a Commissioner to interfere.

133. Therefore, whatever was the character of the common, so long as it was not within the prohibition as to distance, by a particular statute, the Commissioners would think themselves bound upon certain terms to recommend its inclosure?—What does the honourable Member mean by the character of the ground?

134. I mean if it was a ground which was much frequented by the public generally, and much used as a place of enjoyment; as I understand you, if the requisite applications were made by one-third in number of the Commons, the Inclosure Commissioners would still be bound to recommend that inclosure, setting aside a small fraction for the purpose of recreation and allotments?—The Act of Parliament describes what it is; if parties have any claim, they have power to put in their claim, and to have it treated as a right.

135. I am not putting a case of right, but a case of ordinary public enjoyment; supposing that a place was much frequented by the general public, the Commissioners would recommend its inclosure upon the application of a certain proportion of the commoners?—If it has been near the place, the Commissioners have always sanctioned it; for instance, there have been cases where the parties have given portion of grounds to a Local Board; wherever there is anything of that kind, the Commissioners give facilities, but in order to carry out a particular view of their own, they would not feel justified from any general opinions of their own, in interfering with the right of parties who could try these rights in a court of law.

136. Supposing that the Commissioners make an appropriation of which the lord of the manor does not approve, can he absolutely veto the inclosure?—Certainly.

137. As a general rule I see that you give the lord of the manor about one-fifteenth or one-tenth of the common?—I think that the honourable Member is about right, but in looking at these reports, honourable Members will see that the cases are varied, and unless their attention is called to the distinction, they will not understand the difference; for instance, there are certain commons as to a large portion of which there is a right to shut it up for seven years, for the growth of timber, that is not disputed.

138. I am only asking as to the general rule?—The general rule would be to give the lord of the manor one-fifteenth or one-sixteenth.

139. Does it not seem to you rather a strange thing that the party who is recognised as only having one-sixteenth of the right, should have a veto against all the rest; I understand that two-thirds in number are sufficient to carry the Inclosure Act, but two-thirds being enabled to carry the Inclosure Act, a man who has one-sixteenth may put a veto upon the whole thing; upon what principle is that justified?—The honourable Member should rather ask those who framed the Act; but I can suggest a principle, namely, that the lord is the entire owner of the soil.

140. If his right is limited upon the inclosure to one-sixteenth, upon what principle is he to override the two-thirds?—That is not for me to state.

141. Can you suggest any principle upon which such a rule can be defended?—If I had the honour of still being a Member of the House of Commons, I, perhaps, might give my opinion; all I do is to carry out the Act; unquestionably, the original right was in the lord. And according to the custom of the manor he may approve with consent of the homage; it is done every day; the lord may approve; the commoners have an undoubted right of pasturage; the lord may have very serious rights of minerals and timber, and various things on the common, and unquestionably he was the original owner, with the grant of the pasturage. The Legislature has thought fit to give him that veto, and it is for the Legislature who has given him that veto to state its reasons for doing so.

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142. Therefore, practically speaking, if the lord does not approve of your giving a certain allotment for the labouring poor, or for recreation ground, he can stop the inclosure against the will of the whole of the rest of the commoners?—He can; but I think that I am pretty nearly correct in saying that the objections to allotments come much more from little commoners than from the lord; if you had the veto in the other way you would have much less recreation ground. It is not the lords who object to it so much as the commoners, and we have had a great many cases where the lords would not assent until more was given.

143. What is the meaning of these tables in your Report presented to Parliament; the first table purports to be a "statement of the proceedings which have taken place since the inclosures have been sanctioned"; does that apply to inclosures which have been sanctioned by the Board since the year 1845; what does this table mean; I refer to the table at page 6 of your Report?—These are all inclosures from the date which is given; these are the proceedings. The next act which takes place on the sanction of an inclosure, is the valuer's appointment; in Itton Moor he was appointed on the 29th of August 1848; the valuer's report was received on the 18th of September 1866. The meeting to hear objections was on the 1st of December 1868, and for some reason or another that award does not seem to have been confirmed. If you take all the cases in that way, you will see what has been done; there is the appointment of the valuer, and the next thing which comes to the Commissioners is his report; the next thing is to hear objections to his report, and the next thing is for the award to be confirmed.

144. Does this table contain a complete list of all the inclosures which have taken place since the appointment of the Commissioners?—No.

145. I take it that the Commissioners have some object in presenting this table to Parliament year after year, and I want to know what is the meaning of the table?—These tables have been presented year after year, and they are not presented exactly in the same form as they were. I have not got the old Reports here.

146. I can give you some in previous years?—Have you them back to 1845?

147. Mr. *Vernon Harcourt.*] No; only for the last five years.

148. *Chairman.*] Here is one in 1862 (*handing the same to the Witness*).

149. Mr. *Vernon Harcourt.*] What is the object in presenting this table to Parliament; I see that in the Report of 1865, Itton Moor is stated

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to be in the county of Devon; estimated number of acres 185; then there is given the date of valuer's appointment. In one Report it is stated to be 31st August 1846, and when we get down to another Report it is stated to be 29th August 1848?—It is just possible that if the valuer first appointed did not go on there may have been a fresh appointment.

150. I want to get from you the object of presenting this table to Parliament?—This Report is not one required by the Act at all in this shape; it is simply done to give the fullest information which can be given.

151. *Chairman.*] Will you refer to the last column; do you not find that all the cases included in this Return are cases in which the award has been confirmed during the year 1868; therefore is not this a Return either of those cases which have been confirmed?—Yes; in some cases the inclosures have hung fire, and therefore you have to go back; here is an inclosure which is not done with, and an objection is raised. Here is another which was confirmed in 1868. Those are all the inclosures which came in for that particular year up to 1868, and then you get to 1869.

152. Any inclosure of which the award was confirmed before 1868 is not in this Return?—No; all the inclosures which have once appeared in a report, as confirmed, are afterwards omitted.

153. Mr. *Vernon Harcourt.*] The heading is "Statement of the Proceedings which have taken place since the Inclosures have been sanctioned." Will you kindly furnish the Committee with a complete list of all lands which have been inclosed since the Act of 1845?—The honourable Member means that he wants a complete list of the reports.

154. No, because the reports will not show us that; I want to have a tabulated form such as this would be if it was a complete list of inclosures which have taken place since 1845?—We commenced in 1845, and you want a set of the inclosures, as if every inclosure had not been entered twice over, but had been entered from 1845 down to the present time.

155. Yes, I want to see how many inclosures have taken place, and what they have consisted of?—That I can tell the honourable Member at once.

156. I do not mean the gross total, but a tabulated statement showing such inclosure separately?—There is no difficulty, if that Return is moved for, in making it out, because in the office we have every annual report from 1845 down to the present time. It will of course, take some time to do it, but out of the annual reports from 1845 down to the present time, you can have every single inclosure which has been dealt with from the passing of the Act down to the present moment.

157. I want to ask you the meaning of the next table, at page 12: "Applications for inclosures not yet sanctioned;", those, I understand, are the cases of all inclosures under consideration which have not yet obtained the confirmation of Parliament?—Yes.

158. That means, not sanctioned by Parliament; that would include applications which you, the Commissioners, had sanctioned?—Yes.

159. What does this table represent; does it represent inclosures which have received the approval of the Commissioners, or which have not?—Yes; it represents inclosures which have received the approval of the Commissioners.

160. Is what you mean by the heading, "Applications for Inclosures not yet sanctioned," that you have not yet obtained Acts of Parliament?—If the honourable Member will forgive me, I believe that, with great deference to him, the word "sanctioned" is the proper word to use; it means sanctioned, not by the Commissioners, but by Parliament. We shall be most ready to make any alteration, but we have used the word which is used in the Act of Paliament.

161. There is a column headed "Allotment for exercise and recreation," and there is another column headed "Allotment for the labouring poor"; are those the allotments which have been approved by the Commissioners?—Yes.

162. And they would not be there unless they had been approved by the Commissioners?—No.

163. May I take it for granted that, in the cases where in those columns there appear no allotments for exercise and recreation, and no allotments for the labouring poor, the Commissioners intend to make none?—Of course; because you will observe the words, "consents to provisional order received." That shows it has been allowed without those allotments.

164. I want to know what is the meaning of those columns; do those columns of allotments headed "Allotments for exercise and recreation," and "Allotments for the labouring poor," represent the judgment of the Commissioners?—Yes. there are consents to the provisional order; they are chiefly "ditto" all the way down.

165. Do those marks under the word "abandoned" mean "ditto" all the way down; do they mean that every application for inclosure on that page has been abandoned or not?—At page 12 there are the applications for inclosures not yet sanctioned; out of those there are several abandoned.

166. Are the whole of them abandoned?—No; there is one at Tir Abbot Ucha which is not abandoned. There are 13 in which there have been no provisional orders.

167. Do those marks under the word "abandoned" mean "ditto"; in the last column on page 12; do they mean that all the applications on that page have been abandoned?—Yes; they are abandoned as far as we know, but they may be taken up again.

168. This document is to me utterly unintelligible, and I want to know whether you understand it any better than I do; are all those applications abandoned or not?—Where the marks follow the word abandoned. There has been a provisional order at Tir Abbot Ucha, and the consent to the provisional order was given on November the 3rd.

169. That has not been abandoned?—No; there has been a provisional order. Then you come to Woodham Walter, and a provisional order there has been issued, but without any consent to it. Then you come to Kempsey, where there has been no provisional order. The first inclosure in that list which has been abandoned is at Pelsall, in the county of Stafford. Then you come to Tagston, in the county of Pembroke, upon which case there has been no meeting. In the case of Woodham Walter there has been a provisional order; that provisional order has gone out of the office, but it has never received the assent of the two-thirds.

170. When do the Commissioners make their decision as to the amount of land to be allotted?—Before

—Before the order goes out. It is one of the provisions of the provisional order for assent to that inclosure, and therefore every provision must be embodied in that provisional order, to know whether the two-thirds will consent to it or not. The reason is this: there is a meeting fixed for the consents to the provisional order, and unless two-thirds sign that provisional order, it falls to the ground.

171. Wherever in these tables it appears that there has been a provisional order, and that there has been no allotment for exercise and recreation, or for the labouring poor, may I take it for granted that the Commissioners have decided to make none?—Decidedly. Wherever you see "Date of provisional order," you may assume that that provisional order contains the conditions, and that that is the shape in which it will come to Parliament, whether it specifies any allotment or not.

172. Will you kindly supply us with a return, showing the inclosures which have been made since 1845, showing the number of acres inclosed in each inclosure, and stating, with reference to each inclosure, the amount of the allotments for recreation and for the labouring poor, which have been made?—Yes; but perhaps the honourable Member will allow me to mention that unless you take (and we shall have some difficulty in that; we might get it by the next Session of Parliament) the quantity of land which is liable to allotments, and the quantity of land which is not liable to allotments, you get no true comparison between the allotments and the quantity of land out of which they can be taken.

173. Do you mean to say that the Inclosure Commissioners would not have in their possession any tabulated form which could tell them in a few days how much land had been inclosed in a certain number of years, and how much of that land had been allotted to the poor?—The honourable Member assumes that no question arises; questions arise every day; there are constant disputes as to whether the land is the waste of the manor or not; I have taken out 25 of these cases, which I will explain to the Committee. The reason for stating in these Returns whether the land was waste of the manor, or partly waste of the manor, or was not waste of the manor, was this. When the Return was first made to Parliament no lands, except waste of the manor or land upon which the rights existed, which rights were without number or stint, required the sanction of Parliament at all.

174. Surely a clerk has nothing to do but to go through these annual Reports and to take out the cases. In the Report of this year the quantity of each inclosure is stated, and it is stated whether it was or not subject to appropriations, and whether that appropriation was made or not?—If the honourable Member will be kind enough to pay attention to what I have stated, he will find that it is exactly to his point. I know exactly what the honourable Member wants, and I will explain it if he likes.

175. *Chairman.*] Will not this information be given by a Return which you are now preparing for Parliament?—No, because the Order for that Return does not ask for it. I have taken out 24 inclosures. Those inclosures were partly liable to allotments, and part partly not; but when an inclosure is partly liable to allotment and partly not, when you come to allot it, perhaps a man who has a right gets a piece for convenience on the common field land, and therefore for the purpose of carrying on the inclosure, these things are not set apart; but in the report of the Assistant Commissioner, it is stated how much is common field land, in order that we may judge what portion of it is liable to have allotments set out, and what portion is not liable. In these 24 cases there are 36,135 acres of common field, and 8,213 acres of waste; so that if you had taken the 36,135 acres, plus the 8,213 acres, you would have thought that allotments ought to have been set out on our inclosing the commons; whereas we could only have set out allotments under the Act of Parliament in respect of the 8,213 acres.

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176. Mr. *Vernon Harcourt.*] If there is a complex case of that kind, why is it not set out in the report?—I will frankly tell the honourable Member why it ceased to be so. The reports kept lengthening and lengthening; before the year, I think, 1852 or 1853, when the Amendment Act was passed, nothing but the two sorts of land which were subject to these allotments required the sanction of Parliament at all. With respect to the other land, you had, I think, to give 30 days' notice after the provisional order. The matter was found so difficult, and the legal difficulties were so great, that in order to obviate those difficulties, by the Amendment Act of 1853, all land was required to have the sanction of Parliament, whether common field or not. Then the distinction ceased to be drawn in those reports between the two descriptions of land. Before that time it used to be said, "Part waste of a manor;" "Part common-field rights of all the people round;" and so on. But in the reports after that period, inasmuch as Parliament had to deal with every single inclosure, that Return was discontinued. But when an inclosure goes on, where the land is partly one and partly the other, the valuer allots it according to convenience, taking it as a whole.

177. Will you direct one of the clerks in your office to give us an abstract of the 24 annual reports of the Inclosure Commissioners, which will show the following particulars: the amount of land inclosed under the Inclosure Act of 1845, from the commencement; the allotments for the labouring poor; and the allotments for recreation. Your Assistant Commissioner's report in each case would state how much was waste of the manor?—Unquestionably. I will give every possible information with the greatest pleasure. If the honourable Member will send me a clerk, who will go through the files since 1845, and who will go through the Assistant Commissioner's reports, in the course of a very short time, I can only say that I shall be very glad to have the assistance of his clerk. I understand the honourable Member for Oxford to have asked for the particulars of 570,700 acres, involving some 1,200 cases, in which the reports of the Assistant Commissioners are to be referred back to.

178. You have presented to Parliament 24 Reports, which are very short, none of them exceeding three pages, and most of them not exceeding two. These Reports profess to give the acreage of the land inclosed, and to show the amount allotted. I only want an abstract of those Returns, subject to such corrections as you think right?—I am very sorry that I have been misunderstood. Take for instance Milton, in Oxfordshire, where there are 1,960 acres, a certain portion of that amount is excluded in the report

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of the Assistant Commissioner; 650 acres of those are waste, and of course cannot be dealt with at all. The Committee might fall into egregious error without a proper explanation.

179. Parliament is placed in a very false position, if it cannot get that information. Cannot the Commissioners supply that information?—Of course the Commissioners can give the information, because the Commissioners in settling what amount of land shall be given for exercise and recreation, and for the labouring poor, invariably know the land which is liable to have those allotments set out in respect of it.

180. You have told us that the information supplied to Parliament does not furnish Parliament with the means of comparing the amount of inclosure subject to allotment, with the amount of allotments made. It is the bounden duty of Parliament to see what the amount is, and the object of this Committee is to ascertain whether the allotments made bear a proper proportion to the land which is subject to allotment?—I perfectly understand the honourable Member, and there is no doubt that we can go to the means of information, and can get that information. As far as I can judge, I think that it will turn out that about three-fifths are liable to have poor allotments and land for recreation set out, and that about two-fifths would be found not to be so liable.

181. Until we have these figures accurately, we cannot perform the functions for which this Committee was appointed. Therefore, how far do you think that the Commissioners can furnish the Committee with that information?—The moment that I go back I will look into the matter, and inform my colleagues and see, taking it in the most rapid way, how long it will take to do it.

182. Mr. *Fawcett.*] It seems to me that the Return which I moved for, and which is incomplete, might be made in a few weeks, because I merely moved for a Return of the amount of land inclosed, and I cannot now get it?—You asked for the amount of land allotted. In these large districts it is very often the case that the estimated acreage is wrong. I think that in Dent 5,000 acres were wrongly estimated. It is done before the maps are scaled. After the maps are scaled, the right quantity allotted is ascertained. You have to get these maps from the land after it has been dealt with by the valuer, and the quantity is scaled in our office, in order to get the amount of the allotments. Out of that quantity you would have to take roads, and therefore the only true answer to the Return is the actual amount allotted after the valuer's map is sanctioned in the Survey Department, but that is not what the honourable Member asked for.

183. Mr. *Liddell.*] When an application for the inclosure of a common is sent up, do the Commissioners send down an Assistant Commissioner to the spot, to satisfy himself as to the circumstances, and does he institute a local inquiry?—Yes.

184. How are the interests of the labouring poor represented before that Assistant Commissioner; the law says, that upon the inclosure of a common a certain portion of the common should be appropriated to the labouring poor; I want to know how the interests of the labouring poor, as a matter of fact, are represented before that Assistant Commissioner; who is the person who represents them?—There are clauses in the Act for that purpose, and all sorts of things are provided for in the Act. Does the question as to the interests of the labouring poor apply to allotments?

185. Yes, wholly apart from the question of recreation. I want to know how the interests of the labouring poor, with regard to their right to allotments, are represented, and, for the most part, by whom. I speak apart from the common rights?—The common rights are very well represented. Apart from the common rights, the clergyman often interests himself, and various persons, but after all we are responsible. I do not say that we have never committed an error; but, speaking generally, I believe that we have most faithfully fulfilled the intention of Parliament.

186. Is it incumbent upon the Assistant Commissioner, either under the instructions issued by the Commissioners, or by any section of the statute, to satisfy his mind that the interests of the labouring poor have been consulted?—Most unquestionably, and he is bound to go and see the land and to see whether it is fit for that purpose; he generally has somebody to meet him, and he goes over the land for the purposes of inclosure. He sends up the map up to the Commissioners and says, "Four acres for labouring poor at or near the spot marked A," and perhaps he says, "Two acres at A for recreation, and three acres at B." All that is sent up, and marked on his map.

187. Are you of opinion, that if the interests of the labouring poor are overlooked, it is the fault of the Assistant Commissioner, or that it is the fault of an inadequate representation of those interests?—As far as I can see, I think that there are always parties where it can be done, who will urge the question of the labouring poor, and the land for exercise and recreation; but while I say that, the ultimate responsibility no doubt rests upon the Commissioners. The Assistant Commissioner is bound to make an entire investigation and to see the land, which he does; and he makes inquiries, and sees the cottages, and nobody could do so who was not on the spot.

188. You have been asked a good deal with regard to assigning allotments prospectively. Has it ever occurred to you that it would be practicable to get anything like a correct estimate of the prospective population?—I have no means of arriving at it at all.

189. I presume that you have no rules to guide you in that respect?—None.

190. And, therefore, I presume that the office looks upon that as a hopeless undertaking?—It is not for me to dispute that statement; persons may take the common view that, for instance, everybody has a right to take such and such an amount out of the common. The Commissioners are guided by the Act of Parliament, and all that I can say is, that our instructions to every Assistant Commissioner have been to take a liberal view with respect to the exercise and recreation ground.

191. I am dealing entirely with the appropriation of allotments?—I thought that you alluded to both, the same instructions are given as to both.

192. Supposing that you made a liberal allowance in the shape of unappropriated allotments, until those allotments were taken up and appropriated, what would happen to a large piece of ground left vacant; might not anybody squat upon it, and would it not be occupied by persons having

having no right to it?—It would be very difficult to say what would become of it. We had a case the other day in which, although we had set out the ground, nobody would take it, and at last with great difficulty they got some farmer to take it, and to level it, and manure it. Directly that was done the people there said, "We should like to have it"; and we said, "We cannot interfere, but we will have to give it up."

193. In whose custody would such an unappropriated allotment be?—The allotment wardens ought to take it under Act of Parliament.

194. Then they could prohibit squatters settling there, or they could prohibit nuisances being created there?—I presume that the allotment wardens would have the authority, if they chose to exercise it. In point of fact, except in a very few instances, the allotment wardens do not seem to act a great deal in that matter.

195. Do you know of cases in which there are large portions of unappropriated allotments not taken up?—We have had several cases of that description. Within this week we have had two cases, in which we have been requested to sell the allotments, but we have said that we have no such power.

196. How many years would you allow to elapse before taking such a step as that?—Until the end of time; we have no such power. Directly the award is confirmed, the only power which we have is to make some regulation for five years which we cannot enforce, and after that we have nothing to do with it. The incumbent, churchwardens, and two ratepayers are to manage the labouring poor allotments. It is quite clear what is intended. When a man has gone to reside a mile out of the parish he cannot have an allotment, and he must give it up if he has had it before.

197. Am I to understand that the Commissioners regard the labouring poor only to include agricultural labourers?—No; as I say, I believe that in practice it is very difficult to draw the line; I misunderstood the honourable Member's question when he talked of a manufacturing population; he said he alluded to people working at bonnets, and so on; I should conceive that they would have that right; and where there was a population of that kind, no nice distinction would be drawn as to what they were employed in; a man would not be asked "Do you hedge and ditch; or do you do so-and-so"?

198. What do you consider so great a distance from any particular cottage, or tenement, as to debar a man from having an allotment?—When you get cottages over a mile from the place, and when you get to two miles, I am quite sure that you cannot get anybody to take the allotment; for instance, my allotments are only a pound an acre, and I pay the rates and taxes upon them, and the men have a dinner when they pay their rent; and I know that no man after his day's work will walk a mile and a-half to dig an allotment.

199. What is the greatest distance at which people have allotments?—I do not suppose that any one of them is half-a-mile off.

200. What would you consider the greatest distance available for the purposes of recreation?—These are very speculative questions, and, therefore, if I give an opinion upon them, the honourable Member must consider it merely as an opinion; as I told the honourable Member for Oxford, if you find persons who have no fresh air at all, the people want to come out to the allotments; so that we must consider the inhabitants who are so situated; but if you get your village green or your cricket ground two or three miles away, the labouring population will never use it, except on Sunday; you must use a discretion in the particular case; but I think that if you get exercise and recreation ground set out at such a distance that it is never used, instead of its being a benefit it becomes a very great nuisance to the parish.

201. Mr. *Vernon Harcourt.*] I see that in the Report for the year 1868 there is the inclosure of a place with which I am very familiar, namely, Harpton, in Radnorshire; that is the place where Sir Cornewall Lewis lived?—Yes.

202. Will you let me see the Report of the Assistant Commissioner upon which you founded the statement that the ground was at too great a distance for any of the inhabitants?—I have a note of that.

203. Mr. *Johnston.*] You have put the case of a manufacturing population, or a *quasi* manufacturing population, and the chairman put the case of a mining population; according to your system of calculation, allotments should only be set out for two men for every 100 acres, each having a quarter of an acre, that makes half-an-acre; do not you think that allotments for 60 men would be a correct calculation?—The honourable Member I think misunderstood me; I said that taking the result of the allotments as set out, that is assuming that the whole land which is liable to these allotments is fit for them, the result of that calculation is to give a quarter of an acre to two men for every 100 acres.

204. You were considering what population wanted allotments, and you said that you allowed two men a quarter of an acre for every 100 acres?—Mr. Tremenheere's report says that you ought to allow two men a quarter of an acre for every 100 acres, and I was trying to find out the result of what had been done from 1845 till now under the Inclosure Act; in each case the Act of Parliament says, that according to the circumstances of that particular case, the actual figures shall be arrived at; the result is, that, assuming that there was not a bit of high ground in the country, but that every part of the ground was fitted for allotment, we have set out very considerably more than at the rate of a quarter of an acre to each man for 100 acres.

205. With reference to the subject of exchanges, under section 92 of the Act, have many exchanges been carried out, as indicated by that section; that is to say, that in cases where a common is too far from the population to make any allotments, the Commissioners have the powers given by that section to exchange; have those powers of exchange been exercised?—Yes; I cannot state the number of cases, but there have been several cases where the parties have agreed; but there is one difficulty in that section, because where the site is charged on the land to be inclosed, you must give the same quantity, and therefore a more valuable piece cannot be given, because it is quantity for quantity.

206. That is a difficulty?—Yes; but you can do it after the award is confirmed. There have been many cases in which we have either changed the site of the allotment, or have exchanged it during the course of the inclosure.

207. That is to say with anybody willing to do it?—Yes.

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208. Can you state in what proportion to the whole number of inclosures any such exchanges have been made?—No; but I do not think that they have been very frequent.

209. Where do you find in the Act that it says quantity for quantity?—I think that I am right; after the award is confirmed what I have said does not apply, but I was speaking of the valuer while the inclosure was going on; exchanging one allotment for another. After the award is confirmed it does not apply.

210. You said, in answer to the honourable Member for Oxford, that the Commissioners would not feel justified, from any opinion of their own, in interfering with any inclosure?—I said that under the Act, I do not conceive that I have a right to go to a man and say that he shall give up a bit of his land, or he shall not take advantage of this Act; I say so distinctly.

211. I understood the honourable Member for Oxford to ask you whether you considered yourself bound to watch over indefinite interests, or public interests, and that you replied that you would not feel yourself justified in interfering to protect any such interests?—I do not remember any such question or answer.

212. Mr. *Vernon Harcourt.*) Supposing that an assistant commissioner should be of opinion that Parliamentary assistance ought not to be rendered to the inclosure of a particular common, on account of its value to the general public, should you think yourself justified in recommending that that Parliamentary assistance should be given?—Supposing that the lord had a piece of land which we thought was a proper piece for allotment, where there was not a proper piece for allotment in the land to be inclosed, I understand the question to be whether we would stop the inclosure, unless the lord would agree to its being made a condition of the Provisional Order that he should make that exchange; and I said that I thought that we had no such power.

213. There is another question to which the Member for Essex is referring, which is this; supposing that the Commissioners in their judgment considered that a particular waste was one so available for the general enjoyment of the public, that it was not advisable that any assistance should be rendered by Parliament towards its inclosure, would the Commissioners recommend that no such assistance should be rendered?—I think that there have been two or three cases where we have advised it not to be done, and in which it has not been done; but that is a very uncertain question.

214. Mr. *Johnston.*] I understood your original answer, in your examination in chief, to be that the Commissioners would not feel justified, from any opinion of their own, in interfering with any inclosure: I wish to call your attention to section 27 of the Act, which contains the following words, "That if on the Report of the Assistant Commissioner, or after any further inquiries, they shall think necessary in relation thereto, the Commissioners shall be of opinion, having regard as well to the health, comfort, and convenience of the inhabitants of any cities, towns, villages, or populous places, in or near any parish in which the land proposed to be inclosed, or any part thereof, shall be situate, as to the advantage of the proprietors of the land to which such applition shall relate, that the proposed inclosure would be expedient, the Commissioners, by provisional order under their seal, shall set forth the terms and conditions on which they shall be of opinion that the inclosure should be made"?—That is a difficulty; I believe that that has been done. If we thought that the inclosure interfered with the health of the inhabitants, and so on, we should recommend the land not to be inclosed; and it has been so. One question follows the other, and they are almost linked together. The first question of the honourable Member for Oxford was as to the matter of convenience, and I answered it. His first question was, whether we would stop an inclosure if a person would not give up land which was more convenient for recreation, and I said, no; but if it was injurious to health, we certainly should feel justified in stopping it.

215. You do recognise the public convenience?—Yes.

216. As a matter of fact, are legal notices of intended inclosures posted up anywhere except on the church doors?—They are posted on the church doors, and in chapelries, and they are also inserted in the newspapers which have the greatest circulation.

217. But they are not circulated generally about the parish?—No. The notices required by Act of Parliament are carried out.

218. Mr. *Peek.*] Am I to understand that the quantity of recreation ground to be reserved is limited by the Act of Parliament?—Certainly.

219. And that the quantity to be set apart for allotments for the purposes of the labouring poor is left to the discretion of the Inclosure Commission?—Yes.

220. Do the heads of the office thoroughly father what is done by the persons who are sent down before settling the terms of inclosure; do you abide by whatever they do?—Certainly not. I should certainly not think of adhering to what an assistant commissioner did if I thought it wrong.

221. Do you assume the responsibility of the correctness of everything which the assistant commissioner who is sent down does?—No, and that is the reason why we do not like to produce the report of an assistant commissioner, because a person may see his report, and may take it as a thing settled, whereas it often happens that we may consider the thing to be doubtful. If we doubted the decision of the assistant commissioner, we should say, "You must reconsider that point." I am not in the habit of holding to what a man says, if I am responsible for it.

222. You assume the responsibility of your servant?—We should certainly assume that a man who has been on the ground, and has had full instructions to deal with these questions was *primâ facie* right; but we take care to read his reports before we settle the matter.

223. Supposing that a parish was evidently increasing in population, say, in consequence of a railway or large works coming into the neighbourhood, would the Commissioners consider such probable increased requirements, or would they merely decide upon the quantities to be reserved, considering the then state of the parish?—It must depend upon the quantity.

224. Suppose that a railway is coming, and that the foundations of a manufactory are laid, so that you may fairly say that there will be an increase of population in a couple of years?—It is very difficult on the moment to answer every possible suppositious case, and to say how you would exercise your discretion in every conceivable

able case which can be put; however I will attempt to answer the question as well as I can; I conceive that what would be done must very much depend upon the amount of land to be inclosed. Supposing that a railway company comes and erects cottages, and by so doing doubles the value of the land, or quadruples the value of the land of the proprietors, the other people, who perhaps are small proprietors, have common rights. If you inclose that common land, it increases the value of their land in the same ratio. The question is whether you are to hand over all the common to the persons the value of whose land is increased, by being trebled or quadrupled, without providing gardens, and whether they are to say, "We will not provide any gardens out of the increased value of the land. but you shall provide for them out of the 100 acres of common"; that is partly what you must consider; I am sure that honourable Members must all know that to answer every conceivable case which may be put is a very difficult thing to do.

225. I put a case where you can see with your own eyes, that within 12 or 18 months the neighbourhood will be much more densely populated? —I do not know of such a case coming before me; I think that it is very possible that it would be said, "Here is a large space of waste ground, and it will be right to appropriate more of it"; but the Act of Parliament says that you are to consider all the circumstances which surround the case; for instance, supposing that a man has a small quantity of very valuable land, and that a person comes down and, by a railroad, raises the value of land there, you must consider whether you are going to take land of a man whose property is made worth four times as much, and who has no interest in the railroad; in those cases, I must use my discretion when they come before me.

226. In your opinion, the majority of the best land available for tillage has been long since inclosed, leaving merely the rougher quality now to be dealt with?—As a rule, I believe that the better land has been inclosed, and has been dealt with first; for instance, taking where there are fells, and particularly in Wales, they have inclosed the land up to a certain point, and having inclosed that as the most valuable property, they have afterwards perhaps dealt with a very different class of land where there is very little population.

Thursday, 13*th May* 1869.

MEMBERS PRESENT:

Colonel Barttelot.	Mr. Liddell.
Mr. William Cowper.	Mr. Lowther.
Mr. Fawcett.	Mr. Philip Wykeham Martin.
Lord George Hamilton.	Mr. Knight.
Mr. Vernon Harcourt.	Mr. Pease.
Mr. Andrew Johnston.	Mr. Peek.
Mr. Knatchbull-Hugessen.	Mr. Walsh.

THE RIGHT HON. WILLIAM FRANCIS COWPER, IN THE CHAIR.

Mr. GEORGE DARBY, called in; and further Examined.

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227. *Chairman.*] CAN you now inform the Committee of the circumstances relating to Withypool, which led to the setting apart of one acre for recreation ground?—Yes. It is in the recollection of the Committee, that I stated from memory that there had been two reports, first, by one assistant commissioner, and in consequence of the inclosure not going on, there was some years afterwards a report by another assistant commissioner; and that inclosure was recommended for the sanction of Parliament after looking at both those reports of the different assistant commissioners. The first report of the assistant commissioner described Withypool as having a very small population; I think, 259, and as being very much scattered, and on the edge of open ground; and he stated that, though it was not proposed to set out any such allotments, he recommended two acres to be set out for exercise and recreation, and four acres for the labouring poor. Mr. Wetherell went down several years afterwards, and he described it pretty much as the first assistant commissioner had done. The population was described by him as being 300, instead of 259; and in his report, it was stated, I think, that the recreation ground would not be used, and that the population was a very scattered one; but he set out one acre for exercise and recreation, and five acres for the labouring poor. So that the two assistant commissioners, without any communication with one another, going down at different times, had come to the same conclusion as to the amount to be set out for public allotments; but one Commissioner had given two acres for exercise and recreation, and four acres for the labouring poor; whereas, the next assistant commissioner has given one acre for exercise and recreation, and five acres for the labouring poor. In point of fact, there is no chance of the ground being used for exercise and recreation; I have since had a conversation with Mr. Assistant Commissioner Wetherell, and I find that, practically, the exercise and recreation ground is set out for school children, and I do not understand that there is any objection to the five acres for the labouring poor.

228. Mr. *Peek.*] I understood you to say, at the rising of the Committee last Thursday, that those waste lands which are of the best quality, have some time since been inclosed?—Of course you must take it as a general thing. I say that it has generally been the case that it has been most worth while to inclose the best lands first, and they have been inclosed, perhaps, up to high lands; and I should say that, taking it as a general rule through the country, the inferior lands remain to be inclosed, and the better lands have been inclosed.

229. And that land which now comes before the Commissioners is of an inferior quality?—I should say so, as a rule; there may, of course, be exceptions.

230. Can you give any idea of the use to which the land inclosed is generally put; is it highly cultivated, and does its inclosure give rise to the employment of much labour, or is it as a rule simply used for pasture?—It is very difficult for me to say how the land all over England is used, but I have not the slightest doubt that it is used agriculturally; a great deal of it would be so used, it must depend upon the nature of the agriculture in the particular place; if it is inclosed where pasturage is used, I suppose the pasture is improved; if it is good corn and root land, I have no doubt that a great deal of it is ploughed up, but no doubt at this moment, as far as my knowledge goes (I was at one time pretty largely engaged in farming pursuits), where land is sufficiently stiff, and not too light to bear grass, the inclination is to have grass land rather than ploughed land, where it will make good grass land.

231. Do you know that in many cases that part of a common allotted to the lord and the larger commoners is used as park lands or pleasure grounds?—When once a man has his allotment, of course it is no business of ours to inquire how he uses it, it is his private property.

232. You said, in answer to the Chairman, that you should not consider it fair to make allotments to a large labouring population of a town near the common, would not the proximity of such a population be a reason for not entertaining the question

question of inclosure at all?—I must ask some indulgence from the Committee, for this reason: the Act of Parliament requires that we should look into the particular circumstances of each case; it compels us to particularise, and it is difficult when questions are put to me to generalise, because I have to look at each particular case according to the Act of Parliament, and to consider the particular circumstances of that case, and to use my discretion in that case. After that discretion is used, Parliament has to say, before it sanctions the Bill, that I and my colleagues have or have not used a proper discretion in the matter. If an honourable Member will put to me any particular case which I have dealt with, and will ask me why I dealt with it as I did, I can answer him very easily. The Act of Parliament compels me to particularise, and the Committee require me to generalise, and it is a very difficult thing to do so, because if I give them an answer, it might be quoted to me that I was abandoning the principles which I had laid down; and therefore it is rather a difficult question to answer.

233. Does the one-third in value which is stated by the Act to be necessary to proceedings under an inclosure, include the interest of the lord of the manor or not?—It includes it.

234. You have said that it would be unwise to set aside allotments for the labouring poor with a view to an increase of the population; does this objection appear to you to apply with equal strength to allotments for recreation?—The same principle must be involved in both cases. What I stated before was this, that if you ask me to speculate upon future population, I cannot make anything like a safe speculation, unless you give me some basis upon which I am to ground my speculation. All the information which I have derived is that in agricultural districts the population has not increased; if it had increased in a particular ratio for so many years, that would have been a basis by which I might have calculated a future increase, but if it remains stationary I am left without a basis; and therefore I say that if you ask the Commissioners to speculate, you ought to be able to speculate in an Act of Parliament, so as to direct the Commissioners, or else you ask the Commissioners to do almost an impossibility.

235. I am asking what you would do if the land to be inclosed was in the neighbourhood of a large population and an increasing population?—I must consider all the circumstances of the case, because you will recollect that if you give ground for exercise and recreation, and for the labouring poor, you are giving it to persons who really originally had no right in the common whatever, and who have no right, and as I said before you are giving it for this reason; you say that the lord and commoners having limited estates shall not make use of your Act without submitting themselves to certain conditions, but those conditions must be reasonable; and therefore if you say, "Here are 100 acres of common, and we think that they will be wanted for exercise and recreation," if I am to hand over those 100 acres from the lord and commoners to somebody who has no interest in the land, it is a price which they will not pay.

236. You have said that a quarter of an acre is too much for an allotment, as being beyond the labour at the labourers command; have you known any instances where the allottees have united to work the allotments on the co-operative principle?—I have not known any case where they have united to work the allotments on the co-operative principle; but I must speak with some caution when I answer off-hand, and must say, that if you mean forming a partnership, I do not think that it is within the Act of Parliament, it was never intended for anything of the sort, and I think that it would be a very unwise thing to have a partnership of that kind, and to introduce an element into the matter which was never intended by the Act of Parliament.

237. Would the allotment wardens encourage such a mode of working the allotments?—I really cannot tell what the allotment wardens would do; and perhaps I may draw the attention of the Committee here to what I admit to be an important defect in the Act of Parliament as regards these poor allotments, it is the defect in the Act, and it is this: we are constantly receiving letters on the subject, I had three on one morning, one was to say that one churchwarden had let the recreation and exercise ground, which he had no right to do, and the other two letters stated that an extra rent had been put, which there was no right to do; in other cases the allotment wardens had not been appointed at all; we have power to make rules for five years, but it is an absurd thing to make rules which you cannot enforce; it is only placing yourself in a false position. Therefore I say that there is no sufficient power to enforce the proper maintenance of the exercise and recreation ground, or to compel the appointment of allotment wardens, or to make them carry out the intentions of the Act of Parliament with respect to the allotments; and I am convinced that if you were to go through all those places where inclosures have taken place, you would find in a great many cases that the interests of those persons had been neglected by the want of proper rules, and also by the want of the proper appointment of allotment wardens, and from the churchwardens and overseers not exercising a proper supervision over the exercise and recreation ground. I have no doubt that in many cases it is well done, but that in other cases it is not well done, and there is no way of compelling it.

238. In the first Report of the Commission on the "Employment of Children, Young Persons, and Women in Agriculture," it is stated that out of 320,855 acres inclosed, subject to allotments under clauses 30 and 31 of the Inclosure Act, only 2,119 were assigned as public allotments for the labouring poor?—That is in Mr. Tremenheere's report.

239. In your opinion is that statement correct?—We found that it did not exactly represent what Mr. Tremenheere would have represented if he had had the exact facts before him. In the first place, you must tell me whether, in Mr. Tremenheere's report, he separated the land from which you can allot from that from which you cannot allot? I do not know where Mr. Tremenheere gets his 320,000 acres, but he does not state what portion is mountainous or anything else, and that is a very important element. Supposing that three-fifths of the land inclosed were subject to have allotments set out, that would not represent the quantity out of which you could set out allotments. Therefore I think that Parliament showed its wisdom in stating that you must set them out according to the particular circumstances of each case, because, if

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you say generally, "Here are so many acres," whether they are fit or unfit for the purpose, and whether they are at the top of mountains or at the bottom of valleys, you will come to a very wrong conclusion.

240. Do you consider all the labouring inhabitants of a manor equally eligible for allotments with those living within the area of the particular parish in which an inclosure might be made, or must the allottees be residents in the parish within which the inclosure is made?—When I left the Committee on the last occasion, I took an analysis of all the clauses which relate to this subject, and, if it is convenient to any Member of the Committee, I will state it. These allotments are vested in the churchwardens and overseers of the parish.

241. A manor, as you know, will frequently extend over several parishes?—Certainly, but I think that the mistake has arisen in this way: a poor man who has a right to cut a piece of turf, has just as much a right to his allotment, as having an interest in the common, as the man who has the largest quantity of land in the parish. But, in the case of the poor, it becomes a parochial right by Act of Parliament, because the land is vested in the churchwardens and overseers, and the Act of Parliament says that when a man has an allotment, and goes to reside a mile out of the parish, he shall give up his allotment.

242. If there were but a limited quantity in all to be inclosed, and if there were a disproportionate demand for allotments, should you not think that a reason for leaving the waste land *in statu quo*; if there were a small common to be inclosed, and if a large number of people wanted allotments and recreation grounds, should you not consider that a reason for letting it alone?—I do not understand the honourable Member; the honourable Member must recollect that Members of the House of Commons have a great advantage over me, and over the Commissioners in one respect, because they can entertain any opinion which they like as to the law, whereas, if I choose to entertain an opinion which is not law, I am met by feigned issues, and am responsible to a court of law. It is said that in strict law, if a commoner goes on to a common except to exercise his rights he is a trespasser. If you say that I am not to inclose a common because I cannot give sufficient allotments, leaving it open would not give allotments at all.

243. Can the lord of the manor absolutely veto a scheme, or must the lord and the homage join in such veto?—The lord can veto a scheme; Parliament is responsible for it, but in all the cases which I have ever found upon the subject, the lord can veto it, unless he has lost his rights by particular custom. The lord has a superior right to the common, and he can sink shafts, and can win minerals, and he can build a house.

244. Without the consent of the homage?—I believe so; but even the homage does not consist of the whole of the commoners; it is only at a court.

245. You said that a man could not do justice to a full quarter of an acre: in your opinion what should be the average area to do the best, both for the allottee himself and for the land?—My own opinion is this, I am afraid of being misunderstood in my answer; I said that a person who was a labourer in regular work, in my experience, could not cultivate a quarter of an acre as he ought to do; but there are other circumstances to be considered; you must tell me the distance, and whether he has taken his dung up hill or down; in practice with a poor man that is a most important element.

246. If an irregular inclosure, made prior to 1845, were now to come before you to be "set to rights" (using your own words) should you make inquiry as to, and enforce the rights of the poor as now recognised?—Of course if we came to finish an inclosure under an old Act of Parliament, we could not engraft it on this Act of Parliament by our own absolute will, but we must act according to the law as it then stood; we should have no power to set out allotments under a private Act.

247. I think that that is hardly an answer to my question; if an irregular inclosure, made prior to 1845, were now to come before you to be set to rights, should you make inquiry as to, and enforce the rights of the poor as now recognised: you used the term "irregular inclosure," and you also used the term "setting it to rights," and you said that the law prior to 1845 was different from the law subsequent to that date?—I may have used the words "irregular inclosure," and I suppose that I did use those words. There is a particular power in this Act of Parliament to allow you to carry out and remedy defective proceedings under inclosure Acts. I perhaps used the word "irregular," but I should have used the word "defective." The 153rd clause says, "And be it enacted that where, under any local Act of inclosure, the powers and authorities orignally vested in the Commissioner or Commissioners acting under any such local Act, or any such power or authority shall not have been fully executed according to the intent of such local Act, and shall have been lost or become incapable of being executed, by reason of the neglect or omission to execute the same or to take some proceeding necessary to the due execution thereof within the time limited in that behalf by such local Act, or from any other cause whatsoever, it shall be lawful for the Inclosure Commissioners for England and Wales, by any order under their hands and seal to authorise the Commissioner or Commissioners appointed by or acting under the authority of such local Act to execute and to carry into effect the powers and authorities originally vested in such last-mentioned Commissioner or Commissioners, or in any previous Commissioner or Commissioners under such local Act, in the same manner as if such powers and authorities had not been lost or become incapable of being executed, or as near thereto as lapse of time and other circumstances may permit." So that, in point of fact, all that we can do is to carry out the powers originally vested in the Commissioner under the local Act; we cannot go beyond those powers.

248. The new Act in that case would give way to the old Act; the mode of procedure under the old Act would be carried out, although it might be improved by the new Act, and the inclosure finally settled?—The new Act simply gives us the power to execute the powers which existed under the local Acts, but not to impart the powers under this Act into the local Act, because the local Act has been already passed and probably nine-tenths of the work has been done.

249 You said that the law before 1845 and the law since 1845 differed materially?—The Acts

Acts were all local Acts before 1845, except the Statute of William with respect to open fields; and it was to get rid of the expense of local Acts, and the imperfections of procedure under them, that this Act was passed; by which, instead of getting a private Act of Parliament, you have a public Act for several inclosures together without expense.

250. Would the case of commons within the 15-mile radius in any way come before you?—Previously to the Metropolitan Commons Act they would have come before us like any other common, only that we had to report to Parliament the distances at which they were from the metropolis.

251. Do you mean to say that now they do not come before you?—They now sometimes bring them in a different shape before us under the Metropolitan Commons Act.

252. Supposing that you found that from time immemorial the public had gone from one point to another across a common, as by an ordinary road, would you, in the interest of the general public, reserve any right of way?—If the public had a right of way from one terminus to another terminus across a common, it would not require to be reserved, because if you inclose it, if it was a public right of way, and did not legally stop it up, the public would still have a right to break down any fence, and to use their old right of way.

253. You have said that any one of the public going on the common having no right on that common, would be a trespasser; therefore, for the last 500 years people would all have been trespassers?—Pardon me; a right of way is a perfectly different thing.

254. You said that all persons having common right have allotments assigned them, independently of section 31; what evidence of such rights do you require; do you require strict legal evidence, or do you give allotments in respect of reputed common rights?—In consequence of a difficulty with regard to the poor people putting in claims, Mr. Wetherell, the assistant commissioner, who is here, represented to the Commissioners that it would be much better if there was a general form of putting in claims, which any poor man could put in for himself; and we got a clause for this purpose introduced into an Amendment Act, in order to prevent the necessity of a poor man going to a legal man; so that he can now put in his claim in general words before the valuer; and that claim is to be heard by the valuer and determined. If there are objections they are to be heard by an assistant commissioner, and if the parties are not satisfied with his decision they can have an appeal, and can carry the case before the court of law.

255. In the one-third of value required by the Inclosure Commissioners, in order to entertain an application, is the lord's interest reckoned?—Yes, it may be.

256. You gave the classical definition of the term, "neighbourhood," and instanced a distance of four miles; do you not think that a railway which would take the population eight miles out in about 20 minutes, materially and practically alters what formerly might have been the case?—I take the word *inhabit*, for instance, what they call "trippers," in Scarborough, coming from York, I should not say were inhabitants of Scarborough.

257. If no one in the interest of the labouring poor appeared before the assistant commissioner who is sent down, would the Commissioners in London consider themselves as it were *ex officio* guardians of such poor people?—I consider myself equally bound, as far as I can possibly do it, to look to the interests of everybody, small or great. When the honourable Member uses the expression, "labouring poor," does he mean merely those who are entitled to garden allotments, or cottagers who have a right to cutting turf and so on?

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258. I mean both?—Then, as far as my experience goes, both the assistant commissioners and the valuers give every possible facility to the poor people to put in their claims; in a late case our valuer employed a gentleman to let them know; that is what we expect every assistant commissioner, as a gentleman, to do, namely, to take care that no poor person is left out; and I do not think that our assistant commissioners would dream of doing anything else.

259. Does the assistant commissioner when he visits a district, for which an application for inclosure has been made, hold a formal inquiry; does he sit like an ordinary court, and does he receive evidence?—He gives notice that he will hold a meeting on such a day for a particular purpose, and then he goes down and hears the parties.

260. Are the minutes of evidence which are taken at these sittings capable of being produced for the information of this Committee?—I am really unable to say whether or not the minutes of evidence taken at the first meetings can be produced, because general statements must very often be made, when it afterwards comes to objections and appeal, it must be of a much more formal character; Mr. Wetherell is here, and he can answer these questions much better than I can, but I have no doubt that he hears everything which is desired to be stated by any person in the room.

261. The questions and answers before this Committee will be read 12 months hence; are the minutes of the evidence which are taken at the sittings in the country capable of being produced?—The honourable Member talks of sittings in the country; they are sittings of a very different character. In some cases witnesses are called, and their evidence must be specifically reduced into writing, and in other cases witnesses are not called, and the assistant commissioner satisfies himself. In the first instance, he can only take the interest *primâ facie* for this reason; it is not until the valuer is appointed that the claims are definitely determined; the assistant commissioner can only take it *de bene esse*, and as a sort of *primâ facie* right.

262. Mr. *Martin.*] You said on the last day of our meeting that 144 quarters of acres ought to be set apart, and that 156 quarters had been set apart?—I ought not to have used that expression; that calculation had nothing whatever to do with what the Commissioners considered it right to set out. It was merely this: Mr. Tremenheere made certain statements, and it was simply to answer his statements.

263. In answer to Mr. Hugessen you said that any alteration of the provisional order by the House of Commons would invalidate it?—What I said was, that, as regards the provisional order, there is a veto of the lords and a power of dissent in the commoners. If they agree to the terms on which we insist, it is, in point of fact, a bargain, and they agree to that for

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which we ask; but the lord could in the first instance say, "I will not agree to those terms." If that provisional order comes to the House of Commons they cannot, behind the back of both the lord and the commoners, alter their agreement, but they can say, "We will not consent to your agreement, and will not pass the Act." That is what I meant. Of course Parliament have a full right to do that.

264. Mr. *Fawcett.*] You have, I believe, stated very often that you find it difficult to answer general questions, but that you will answer questions relating to any particular case?—Yes; I wish to state most distinctly to the Committee that I will answer as to any particular case, but I say that after Parliament has sanctioned and adopted an inclosure Act, I think that my responsibility ceases with regard to that particular matter.

265. Will you take the Report of the Inclosure Commissioners for the present year, and I will go through it with you, *seriatim*; what is the first inclosure referred to in that report?—Skyborrah Hill.

266. Will you read to the Committee how many acres are reserved in the case of that inclosure for allotments and for recreation ground?—There are none reserved.

267. Will you state the reason why none are reserved?—Yes, the reasons are stated in our report; it contains about 497 acres. "Most of the cottages in the parish lie at a distance from the hill, and on this account, as well as from the great steepness of the hill sides, it is considered that an allotment for exercise and recreation or for labouring poor would be useless; the few cottages near the hill are already supplied with ample gardens."

268. Do not you state, as a ground for the inclosure, that it is eminently suited for agriculture?—No; the report says, that part of the land can be converted to arable cultivation, and the remainder for sheep-pasture.

269. If part of it is fit to be cultivated with the plough, why should not a portion of that part be fit for allotments which are cultivated with the spade?—My answer to that question is, that if a man has to cultivate with the plough, neither the distance nor, in a certain measure, the steepness is of the same importance, because he can have his manure on the spot just as we do on the South Downs; but nobody would set out an allotment on the South Downs up a hill for a man to pull his manure up to.

270. Then you think that a ground can be so steep as to be cultivated by the plough, but not by the spade?—If a man has to take his manure up anything like an incline for a distance, it is a perfect farce to expect him to cultivate the ground.

271. You say, with regard to that inclosure, that most of the cottages have gardens; you do not say that all of them have?—I beg pardon; what is stated is that those cottages which are near the hill are supplied with ample gardens, and the others at a distance, and therefore they could not use them.

272. But the distance is not stated, is it?—It may be stated in the report of the assistant commissioner; I have that report before me, which is more full. It says, "There are only seven or eight cottages near to the hill, but some of these lie at a distance apart, and the bulk of the cottages in the parish lie three or four miles away."

273. Is that printed?—No; this question has been mooted before. If we were to print the assistant commissioner's report *in extenso*, as there are a great number of inclosures, I believe that it would cost a great deal for printing, and I expect that a great many honourable Members, when they saw that bulk, would not read it.

274. In the case of this particular inclosure, is the distance at which the cottages are situated from the inclosure stated or not?—As regards myself, as a Commissioner, I have stated to Parliament what is in this report, and if they want more they can have it *in extenso*; but it is stated.

275. It is stated to you, but is it or is it not stated to Parliament?—Of course nothing more is stated to Parliament than is thus printed. It is said in our printed report "most of the cottages in the parish lie at a distance from the hill, and on this account, as well as from the great steepness of the hill sides" (which is one in eight or nine), "it is considered that an allotment for exercise and recreation, or for labouring poor would be useless; the few cottages near the hill are already supplied with ample gardens." There is nothing more in our report than I have read to the honourable Member.

276. After reading that, will you say whether or not the particular distance is stated?—It answers itself, because I have read the whole to the honourable Member.

277. Then it is not stated?—It is not.

278. Will you read the particulars of the next inclosure?—"Shrewsborough Castle Common, in the parish of Highbray, containing about 177 acres. These lands are waste of a manor. The common lies nearly three miles from the village, where there are only a very few cottages, all of which are provided with gardens; the common is, moreover, in a high and exposed situation, and unsuitable for either an allotment for exercise and recreation, or for the labouring poor. The inclosure will lead to the draining and improvement of the lands, a large portion of which is suited for cultivation."

279. There the distance is stated?—Yes.

280. What is the next case?—Stoke Moor, which is subject to limited rights.

281. And that common you cannot have?—You cannot.

282. What is the next case?—Huntley, in the county of Gloucester. "On a recent inclosure in the parish, sufficient allotments for exercise and recreation, and for the labouring poor, were set out."

283. In that case Parliament is not informed how much land was considered by the Commissioners to be sufficient to set out, or what the portion was?—But Parliament had already the information; it was recently inclosed, and there it was stated what had been set out.

284. What is the next case?—Harrietsham, in the county of Kent.

285. What are the particulars there?—"Fairbourn Heath, in the parish of Harrietsham, containing about 39 acres waste of a manor; owing to the distance of the heath from the village (nearly two miles), the unsuitable nature of the ground, and the fact that the cottages are already provided with gardens, no allotments for either exercise and recreation, or for labouring poor, have been set out. The soil of the heath, though not

not very fertile, is sufficiently good for arable cultivation."

286. Mr. *Martin.*] The report says that the village of Harrietsham is situated two miles off, but are there not other houses very much nearer?—Yes, it says so; the cottages nearer have good gardens.

287. Mr. *Fawcett.*] In the printed paper it is simply stated that the cottages have gardens; you do not say that the gardens are large enough?—There was one case in which it turned out that almost all the cottages had fields to them.

288. With regard to the printed report, Parliament has no means of ascertaining, with regard to this particular inclosure, what the size of the gardens is?—No.

289. What is the next inclosure?—Hunston, in the county of Sussex.

290. What are the particulars with regard to that inclosure?—There are only 12 acres, and there are very few inhabitants; nobody ever comes on the common, and they are amply provided with gardens.

291. That is stated in the printed report?—Yes.

292. What is the next inclosure?—Laniret, in the county of Cornwall; there are 97 acres; there is a large village green, and the few cottages near the common have gardens annexed. It is not, I suppose, very good land, because the report speaks of its being fitted for planting, as well as for cultivation.

293. But in the printed report it is not stated in this case what is the size of the gardens?—No; but the village is a mile and a-half off.

294. But there are a few cottages nearer the common?—Yes.

295. What is the next case?—Tir Abbot Ucha, in the county of Denbigh; we could not put fuller particulars in the printed report, because a question of right arises. In that case there are 2,550 acres, and I believe that, as far as it has gone, only about 18 acres are waste.

296. Parliament, as far as the printed report has gone, could not tell, as to this inclosure, whether land could be reserved for allotment or not?—No; but this is stated in the report, "None of these lands are fit for allotments for exercise and recreation, or for gardens for the labouring poor, and there are no inhabitants living near the wastes to avail themselves of such allotments if they were to be set out."

297. Why is this ground going to be inclosed; is it likely to be cultivated when it is inclosed?—No; there is a very serious question arising which may go to a court of law, whether in point of fact the common is exercisable at all over a great part of it.

298. But that is not mentioned in the printed report?—No; because we could not mention that.

299. It is not stated in the printed report whether the land is fit for cultivation or not?—No; the reason of the proceeding is to settle the disputes; they want the disputes settled by an inclosure.

300. But in the printed report nothing is stated as to the quality of the land?—No, except as to its being unfit for allotments, or exercise and recreation.

301. But when it states that it is unfit, it does not state the reason?—That is not stated in this printed report.

302. What is the next inclosure?—Withypool.

303. In Withypool 1,904 acres were to be inclosed?—Yes.

304. Will you read the particulars of that case?—"Nearly the whole of this large tract of land could, after inclosure, be profitably converted to arable cultivation, whereas at present it lies in a neglected state, and is impoverished by the paring and removal of the surface."

305. In that case you have reserved one acre for exercise and recreation, and five acres for the labouring poor?—Yes.

306. The reason for this inclosure is, that it will bring almost the whole of the 1,904 acres under cultivation, is it not?—Yes.

307. That is stated?—Yes.

308. If that is the case, will it not require some people to cultivate it?—Of course, if it is under cultivation it will require some people to cultivate it.

309. According to the estimate which you gave us at our last meeting, you said that two men were required for 100 acres?—I took Mr. Tremenheere's statement.

310. Then to cultivate this ground you would require something like 38 men?—That is assuming that it is all cultivated.

311. But does not the report state that it is nearly all fit for cultivation?—Yes.

312. You have made no provision for the future population as far as regards reserving land for allotments for the labouring poor?—Five acres are reserved.

313. But that is for the existing population?—In Withypool the population is 300.

314. Does not it appear to you that if you bring nearly 2,000 additional acres into cultivation, you would require more people to cultivate them?—One would certainly have thought so, but it turns out to be the fact that it is not so.

315. It turns out as a fact that the assistant commissioner has made no provision for an increased population?—No; it turns out to be the fact that where you have had inclosures for years and years, there is no increase to the population.

316. So far as this case is concerned, no provision is contemplated for allotments for the people who will be required to cultivate this large tract of land?—It would take 25 or 26 people.

317. Reckoning a quarter of an acre each, they would require six acres, would they not?—Yes; if you assume that every man is to have a quarter of an acre of ground, and that every cottage in the parish has not a garden. I confess that I do not quite take the view of the case, that you are to assume that every single cottage in a parish has no sufficient garden, and that that being so, it is to be supplied, as a matter of course, out of a particular common.

318. No provision is contemplated for the future population?—No.

319. You have stated that this one acre which is reserved for recreation ground is intended as a play-ground for a school?—Yes.

320. Do you think that one acre is sufficient for that purpose?—Yes, it is plenty for a school.

321. Do you think that the boys can play the usual games on one acre?—Yes.

322. What is the next case?—Wisley, in the county of Surrey.

323. Will you state what is said in the report about

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about recreation ground and allotments?—There is exercise and recreation ground set out.

324. Two acres?—Yes.

325. How much is set out for allotments?—None.

326. Will you state the reasons?—The population is 166 by the returns; the reasons are that "the parish is very thinly populated, and the cottages lie dispersed, each of them has a garden annexed to it."

327. Are you aware that it has been proved in evidence before a Select Committee of the House of Commons, that these cottages in the parish of Wisley were so anxious to have allotments, that they rented them in a neighbouring village?—No; my recollection was that Lord Lovelace's steward said that Lord Lovelace had allotments, and that some of his labourers in that parish had allotments in Ockham.

328. Are you aware that in the case of this inclosure, in which the assistant commissioner states that the cottagers require no allotments, they thought allotments so important that they took the trouble to rent them in a neighbouring village?—It might be a neighbouring village, but it might be nearer their own homes.

329. Are you aware that that was given in evidence?—That is not the impression upon my mind.

330. Are you aware that the Committee, after hearing that evidence, unanimously decided that 10 acres in the event of Wisley Common being enclosed, should be reserved as allotments for the labouring poor?—I did not know for which purpose it was for.

331. Are you also aware that the Committee unanimously decided, that instead of two acres being reserved as a recreation ground, six acres should be reserved?—Yes; but I am also aware that the conclusion of the Committee might have been drawn from other circumstances, because I see that there is evidence there that people went to pick flowers, and so on, and had a sort of prescriptive right to the common.

332. Are you aware that the Committee unanimously decided that 10 acres should be set aside as allotments (the Commissioners saying that none should be set aside) and that six acres should be set aside as recreation ground, whereas, the Commissioners had said that only two acres should be set aside as recreation ground?—Of course, the Committee are a very high authority, but at the same time, the assistant commissioner, Mr. Wetherell, was on the spot. I have very great confidence in his opinion, and I must beg to decline to judge between the assistant commissioner and the Committee.

333. In the case of Wisley Common, a Committee of the House of Commons decided that in the case of one common, and that by no means the largest, introduced in the present Session before Parliament, more land should be reserved for allotments, and for recreation grounds, than the Commissioners proposed should be retained in the whole of the inclosures contained in the Bill?—If the Committee drew the conclusion that we were wrong, because in one inclosure they thought more land should be reserved than was retained in the rest of the inclosures, which might be totally and absolutely differently circumstanced, the Commissioners being desired to look at the circumstances of the particular case, it would rather shake my confidence in the decision of the Committee.

334. Are you aware that a Committee of the House of Commons decided that with regard to one inclosure, by no means the largest, more land ought to be reserved for allotment and for recreation ground than you proposed, as a Commissioner, should be reserved in the whole of the inclosures contained in the present Bill?—In the first place, they have done that which we could not do, for they have chosen as a Committee to recommend, which we were debarred from doing by the Act of Parliament. With respect to the allotments, the Commissioners can set out that which they think right, but if the Committee set out more for the exercise and recreation ground than is allowed by the Inclosure Act for the population, all I can say is, that the Committee differ from the Parliament who passed the Act.

335. In the Act of Parliament no limitation, I believe, is placed with regard to the amount which should be reserved for allotments for the labouring poor, that is, as I know, a limitation with regard to the recreation ground?—That is perfectly true.

336. Are you aware that a Committee of the House of Commons has decided in the case of one inclosure, that more land should be reserved as allotments for the labouring poor than the Commissioners recommended in the whole of the inclosures contained in the present Bill?—I have not added it up; I will take the honourable Member's figures as right.

337. Do you know how much land is proposed to be allotted in the present Bill?—Thirteen acres; the object has been to carry out the intentions of the Act of Parliament by considering each case separately; perhaps you may find another case where an enormous quantity has been set out, take Swaffham for instance, where the amount is 250 acres; the honourable Member says, add up these figures, and take them as a lump; I say that the Act of Parliament tells me to do no such thing; it distinctly tells me to consider each separate case; it may turn out in a particular set of inclosures a smaller quantity is set out; if you take a certain number of inclosures which you pick out, and add up the acres, and say that we have only set out so many acres, I say, on the other hand, that the Act of Parliament desires me to do it separately, and to consider the circumstances of each particular case. If you take cases where a small number of acres are set out, you ought also to take cases where a large quantity of acres have been set out; and if you add up all the cases together you will find that we have set out a large number of allotments.

338. In the present Bill 13 acres are reserved for allotments: a Committee of the House of Commons has decided, in a case in which the Commissioners recommended that no land should be reserved for allotments, that 10 acres ought to be reserved; are you aware of that fact?—That is the result of the decision of the Committee.

339. Are you aware that, in the case of Wisley, it was stated before the Committee that not more than one of the persons who were interested in these allotments for the labouring poor gave any evidence?—They did not put in a claim.

340. Then when the Commissioners say that the allotments are not required by the labouring poor——?—The honourable Member must excuse me; it is just the change of that single word which makes the whole difference. "By" is not the word

word which is used; the words are, for the labouring poor, and not by the labouring poor, and that is an important distinction.

341. Then we may generally assume that your opinion has been arrived at without the labouring poor appearing before the Commissioners?—The labouring poor as a rule would not appear before the Commissioners, because they have not put in claims. The honourable Member asked me whether I had been down to all these cases; the Act of Parliament is explicit; I am perfectly ready to give every information in my power, but if the honourable Member wants to know the practical proceedings at these meetings, he may get that information much more accurately from the person who holds them.

342. Will you take the next inclosure?—Cowdown in Essex.

343. What is the next?—Saxlingham, in Norfolk; there is there a village green of seven or eight acres.

344. What does the Report say about allotments?—There are four cottages.

345. What is stated in the printed Report?—One acre is given for allotments.

346. Does it state why one acre, and no more, is given?—No, because the Act of Parliament says that the reason is only to be stated where none is given.

347. It is stated in the Report that one acre is given, but it does not state why more is not given?—No, for the simple reason, that the Act of Parliament says, that where no exercise ground, as allotments for the labouring poor, is given, the Commissioners must state their reasons for not giving it; but they do not state their reasons where it is given.

348. Therefore, as far as the printed Report is concerned, if only one acre is given, Parliament has no means of ascertaining whether one acre or fifty acres ought to have been given?—Just so.

349. What is the next case?—Leighwood green, in the county of Flint; in that case, "the population being agricultural, and engaged in open air employment, and the lands being at a considerable distance from the village, an allotment for exercise and recreation has not been required, and the cottages are already supplied with gardens."

350. But the Report does not state what the "considerable distance is"?—No.

351. It does not state what the population is?—No.

352. What is the next case?—Kirton Marsh, in the county of Lincoln. We have had a great deal to do with that case. It is a place where an embankment had broken down before. The printed report says, "Kirton Marsh, in the parish of Kirton, containing about 750 acres. As the bulk of the parishioners live about two miles and a-half from the marsh, and as the few cottages near to it are provided with garden ground, no allotment for exercise and recreation or for the labouring poor has been set out. Owing to the flow of the tidal water over the surface, the marsh can at present only be used for sheep pasture, but when the water has been excluded by an embankment the entire tract might be profitably converted to arable cultivation, in like manner to the adjoining marsh, which is now under tillage." There has been one embankment, but I believe the water came over again, and they are now going to do it in a better way.

353. There again it is not stated how much garden the people have who live close to the marsh?—It is utterly unfit for it; the water has been over it.

354. Would it not be fit when it is drained?—An embankment would have to be made first.

355. You stated in your former evidence that you had selected a great number of the largest inclosures?—I did not say the largest, but I said some of the largest.

356. And you stated that in those cases you had found that the population, since the inclosure, had decreased, and that there had been no general increase?—I said that upon the average it had been stationary.

357. Then if you estimate the prosperity of a village by its increase of population, these inclosures have done no good to the people of the district?—I do not estimate the increase of prosperity necessarily by the increase of population. I estimate the prosperity of a parish by the increased comforts, and the improved habits, much more than by increased population, because you will get a large population at the edge of a common, which everybody knows is the most lawless population which you can have. And more than that, I believe that, as a rule, from all my inquiries, the poor people are not against inclosure, and that the great thing with which we have to contend is, that persons with capital will purchase land to build houses and villas, and they are the people who very often want to get certain things which perhaps they cannot have, and they are the persons who raise objections.

358. Have you any specific information with regard to the parishes in which there has been a decrease of population since the inclosure, as to whether the condition of the people has or has not improved?—I can speak not to these inclosures, but I can speak to parishes with which I am very intimately acquainted. If, where the population is stationary or has slightly increased, I find in two or three parishes that, in spite of that, those parishes are flourishing, and that agriculture is improving, and that the state and the comforts of the people are improved, I at least may draw the inference that in other cases, where the population is also stationary, the same thing would happen.

359. But with regard to these special cases which you have enumerated, you have no specific information?—No.

360. With regard to the procedure, the assistant commissioners frame these reports, and they send them up to you three Commissioners?—Yes.

361. Is it a usual or a very unusual thing for you to alter their reports, or as a general rule are they introduced to Parliament in the form in which the assistant commissioners send them to you?—We should not alter the report of an assistant commissioner; if we wanted further information we should send down for it. The honourable Member was talking to me of Swaffham; in that case a memorial was sent up to us saying that the nearest land was one-third of a mile off, and that it would be useless for the poor. We set it out. The next thing was that they complained that the rent-charge was too high. As the honourable Member has asked me the course which we take, it would be this: here is the case of a memorial; we sent down that memorial

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morial to the valuer to know what he thought of it, and he wrote to us in reply.

362. The assistant commissioner, as I understand, sends the provisional order to you?—No, the assistant commissioner does not send to us the provisional order; we prepare the provisional order, and send it down to the parties.

363. But you prepare it entirely upon the evidence taken before the assistant commissioner, do you not?—As regards the poor allotments, and exercise and recreation ground, we prepare it upon those statements after they have been looked at by us, and have satisfied us.

364. With regard to allotments and recreation ground, have you ever said to the assistant commissioner, "We do not think that the amount which you have reserved as allotment or recreation ground is sufficient," or "We think it too much"; or do you accept absolutely the arrangements of the assistant commissioners?—I remember one gentleman who was formerly an assistant commissioner: when he began he did not take quite my views with regard to exercise and recreation ground, but he always yielded to me; when this work commenced we have often done so; and more than that, when persons have refused to give the allotments, we have said, "You shall not have the inclosure without then."

365. I want to get at the relations between you and the assistant commissioners: take the present Bill; you have, of course, looked at that Bill, and the proposed inclosures in it; did you, or any of the commissioners, make any objections to the assistant commissioners as to the amount of land reserved as allotments, and for recreation?—I cannot say that we did; and unless I had the files I could not say. With respect to Swaffham, there has been a very long correspondence about it.

366. That is, between the parties and the Commissioners; but in the absence of your securing a memorial from the locality, do you, as a matter of course, accept the recommendation of the assistant commissioner?—No, Mr. Wetherell and Mr. Wood know our positive views upon the subject, and I know that Mr. Wetherell, as a country gentleman, entertains the same views himself, he would probably take my views of the matter; but with regard both to him and Mr. Wood, I should not for one moment hesitate to communicate with them.

367. As a matter of fact, during, for instance, the last five years, have you ever suggested to the assistant commissioners that either more or less land should be reserved for allotments?—One does not like to bind ones self, but I should think it more than probable that in the last five years there has been correspondence with regard to the allotments. Mr. Wetherell is very often in the office, and therefore without a correspondence I have no doubt that the matters have been discussed.

368. But you cannot positively recollect?—If the honourable Member asks me whether I can recollect the details of all the inclosures, it is impossible for me to do so; there are 20 or 30 Acts of Parliament worked in our office, and when one thing is done with, to go back for five years to recollect whether or not I had a correspondence as to that particular inclosure, though my memory is pretty good, is what I could not do. In one case in Norfolk, in early days, I recollect that they said that they would not go on with the inclosure; and if the files were searched, I have no doubt that it would be found that there had been correspondence.

369. You do not recollect any such thing as I have put to you in these cases?—No.

370. As a matter of procedure, the Inclosure Bills are introduced by the Home Office simply as they are received from you, are they not?—It is not our business to draw the Bill, but, as a matter of fact, I believe that it is done in the office; there is only one clause in it.

371. As a matter of procedure, the Home Office never alter the provisional order?—I take it that the Home Office have no sort of power to do so; they simply have the report sent into them to lay before Parliament.

372. Then the Home Office are not responsible for these Bills; they are only introduced by them?—Not in the least.

373. When you speak of the labouring poor, you mean all those who live by toil in the parish, or the manor in which an inclosure takes place, do you not?—No, I do not mean in the manor, because the Act confines it to the parish.

374. What clause of the Act does so; will you read that clause?—It is the quarter of an acre clause, namely, the 109th clause: "And be it enacted that the allotment wardens shall from time to time let the allotment under their management in gardens not exceeding a quarter of an acre each to such poor inhabitants of the parish for one year, or from year to year, at such rents payable at such times, and on such terms and conditions, not inconsistent with the provisions of this Act, as they shall think fit."

375. Does it say the parish in which the inclosure takes place?—It must mean the parish; what else can it mean? And more than that, a subsequent Act says that if a man goes for a mile out of the parish, he is to give up his allotment.

376. Then you define the "labouring poor" under the inclosure Act, as meaning all those who live by daily toil in the parish in which the allotment takes place?—The Act of Parliament defines the parish; I should say that "labouring poor" are those men who are poor enough to be obliged to gain their livelihood by labour.

377. Without any reference to the particular branch of industry to which they are employed?—It is a beneficial Act, and I do not see that you could say that you should take no one but a man employed upon a farm, and I think that I was rather misunderstood on the last occasion as to that matter. I misunderstood the honourable Member; he asked me as to a great manufacturing town and so on, and if I had said that that population could be included, I am afraid that I might have been understood as saying that if there was a common it might be set out for the people in a manufacturing town. It is very difficult to answer all these questions.

378. You have suggested a very important improvement in the Act so far as regards the appointment and powers of allotment wardens?—Yes.

379. From your long experience, can you make any other suggestion as to an improvement in the Act?—I think that certain powers ought to be given where trespassing is going on during the inclosure itself; that is to say, where people are interfered with. By mistake a word or two have been left out; the words are not sufficiently general

general. Of course the honourable Member must recollect that I am only making a suggestion. There is a power also to make regulated pastures after an application for an inclosure. I am not quite sure whether it would not have been as wise in the first instance to proceed to make it a regulated pasture. You must now go through the process of an inclosure, to ask to have it turned into a regulated pasture, whereas there might be an original power for that purpose, without applying for the land to be inclosed.

380. Do you think that it is as well to make absolute allotments of a quarter of an acre each, or that it might not be left to the allotment wardens and the church wardens?—If you are to keep the words "labouring poor" in the Act, I think that it is much better to keep in the words "a quarter of an acre," it would prevent the allotment wardens or those parties, from making an improper use of it; for instance, they might wish to let it to a man who was not a poor man; it is a very important question.

381. Do you think that it would be well that some central authority, say, the Inclosure Commissioners, or some other authority, should retain more power over the land after it has been once allotted, so as to see that it is not misappropriated?—I am myself rather sensitive about the powers of commissioners; I do not like them to ride roughshod over people, and therefore under no circumstances have we ever asked for additional powers. The amendments for which we have asked have been for the better exercise of the powers which we have. But I think that Parliament would do well to consider the question to which I have referred, of taking care that the allotments should be properly dealt with; and it is for Parliament to say what central authority should have the power of carrying that out.

382. You think that there ought to be some central authority controlling the matter?—Yes.

383. At the present time, cannot the rent of these allotments be given to the rates?—In the case of letting the herbage of the exercise and recreation ground, the surplus goes to the surveyors of the highways. The surplus of the poor allotments goes to the overseers of the poor for parochial purposes, in reduction of the rates.

384. Have you any suggestion to make as to a more beneficial appropriation of these allotments?—I am hardly prepared to say that I have; I think that it is a very fair appropriation of the surplus to apply it to the rates; it is in the parish for the parishioners, and the land out of which it arises is in the parish, and therefore it seems natural that any surplus should go to the use of those persons who live in the parish out of which the rent arises.

385. Lord *George Hamilton.*] You have said that a meeting is always held by an assistant commissioner previously to an inclosure of a common?—Yes.

386. Is that meeting held after the meeting which is held by the valuer?—No, the valuer has not then been appointed; this is the form which is prepared (*producing the same*). By the Act under the 25th section, the matter must be referred to an assistant commissioner, and he is bound to inspect the land, and to report in writing on the expediency of the inclosure, and on what terms the land should be inclosed, and whether he is of opinion that ground for allotment for the labouring poor or for recreation, should be set out; he must view the ground and make a sketch of it; that is a duty imposed by the Act of Parliament and on the assistant commissioner, and not at all upon the Commissioners.

387. At the meeting which is held by the assistant commissioner, I suppose that any one can ask to be examined, and in fact, can insist upon giving evidence?—Yes; the assistant commissioner gets all the information which he can; during the inclosures, within my recollection, I have never heard of anybody complaining that the assistant commissioner would not hear him.

388. As regards the veto, is the veto which the lord of the manor has power to make, often exercised after two-thirds of the persons interested in the proposed inclosure, have made an application?—No, because in order to prevent difficulties we generally find out whether the lord of the manor will assent; for this reason, that it would be putting the parties to a very unnecessary expense if they had gone on to a certain point, and were then turned round and could not proceed.

389. Mr. *Walsh.*] You have said that the valuer is appointed at a public meeting by a majority of the interests?—A majority in number and value.

390. Is he always so appointed?—He must be appointed by a majority in number and value, according to the terms of the Act; and if they cannot agree in number and value, then the Inclosure Commissioners under the Act have to appoint him.

391. Does the lord of the manor never reserve the power to appoint the valuer as a condition of his assent?—If I knew it I should not allow it; if it is done it must be between the parties themselves.

392. Are not you aware that the Commissioners of Woods and Forests, on the part of the Crown, invariably make that condition?—Is the honourable Member referring not to the Inclosure Act, but to the Disafforesting Acts; they are two very different things; under the Disafforesting Acts, the Commissioners of Woods and Forests appoint one valuer, and we appoint another. I think that the honourable Member must be mistaken, because in Wales where the Crown has property the valuer has been appointed by the parties themselves, but there may be cases where they have been at variance with the Woods and Forests. Supposing that parties go down to a meeting for the appointment of a valuer, if the Commissioners of Woods and Forests go to the parties interested, and say, "You shall not have the inclosure, unless you vote for our valuer," I cannot, of course, help it.

393. Are you or not aware that that is the case?—The only condition which can be imposed as between the Crown and the parties is in the provisional order, and that provisional order must be made the subject of an Act of Parliament before the valuer is appointed at all; and then we call a meeting to appoint a valuer, a notice is given, and that meeting is held to appoint a valuer. If the parties then choose to make their own arrangements with the Crown, in order to get on with the inclosure, I can know nothing about that; there is no legal understanding. The honourable Member refers to the time when, before any inclosure, they had to set out certain lands.

394. Colonel *Barttelot.*] Is it not important that these inclosures, which are now before Parliament should be either completed or rejected as soon

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soon as possible?—Certainly; and there is the case of an embankment, which is a most serious question.

395. Taking No. 14, namely, Kirton Marsh, is it not of importance that something definite should be known at once with regard to that inclosure, or else the embankment could not be made this year?—Yes; and that has been represented to us.

396. Let us go back to the original question; is not the lord of the manor, as a matter of course, the owner, more or less, of the soil?—According to the ordinary law on the subject the lord is considered superior to the commoners, unless by grants, the commoner has the advantage of the lord. As a rule it is laid down by all the courts, to which, of course, all our proceedings are subject, because we try a feigned issue upon every question of law, that the lord is the superior; he has, *primâ facie*, a right to the timber, and to the minerals, and to work the minerals.

397. And is not that mainly one of the reasons why the lord has his veto to say, aye or no, to the inclosure of the common?—I can only assume that Parliament, when it passed that Act, and gave the lord the veto, meant to hold as between the lord and the commoners, the same title and rights as they had had before, and that they were not to be affected by the Inclosure Act; that is the inference which I have always drawn.

398. Cannot the lord on any inclosure now cut down the timber?—Yes.

399. And in many inclosures the lord can inclose certain portions of the waste lands so as to allow timber to grow again?—He can. If timber is allotted, it must be, under the Inclosure Act, valued by the valuer, and the allottee must pay for it, and if he objects to pay for it, within a certain time, the lord can cut it down.

400. Prior to any inclosure, cannot the lord go and cut upon the waste land all the timber there situated?—Yes.

401. Mr. *Fawcett.*] Are you correct in saying that; he cannot go and destroy every stick of timber, can he?—I believe that he can cut down every stick of timber which is upon the land. If it is allotted, when the allottee has got it, he must pay the value of that timber which is set upon it by the valuer, and if within a certain time he objects to pay that money, the lord can come and take the timber, that is in the Act of Parliament.

402. Colonel *Barttelot.*] For all these reasons, naturally, the lord has a veto?—That is what I assume.

403. The fact of his only having one-sixteenth allotted to him has nothing or little to do with it?—No; the one-sixteenth depends very much upon circumstances.

404. The old proceedings, I think, were that if the commons were held in fee a private Act could be obtained?—No, if the commons were held in fee, they need not have a Private Act at all; they could inclose by deed; I know one very valuable common which has been so inclosed.

405. But supposing that that was not the case, according to the old custom they had to obtain a private Act?—Yes.

406. Did not that private Act usually cost from 700 *l.* to 800 *l.*?—It depended entirely upon circumstances.

407. It cost a large sum of money?—Yes.

408. Then Parliament stepped in at that time, and this Act of 1845 was passed?—Yes.

409. And the great object of this Act was, that the inclosures should be more cheaply made?—No doubt; and in point of fact there has only been one inclosure under a private Act since; it was objected to, and it was said that that sort of thing would probably never be allowed again; the then Lord Worsley objected to it, but it was carried.

410. You have no doubt that, when the Act of 1845 was passed, the intention of Parliament, although reserving recreation ground and certain allotments for the poor, was, that justice should be done both to the lord and to the copyholders of the manor?—Certainly; you must consider the amount of land to be inclosed: Parliament said, "You are to take into consideration all the circumstances of each case." Though the large owners could object to it, they have constantly assumed that there are four acres to the cottages, when there is nothing of the kind, and I know that the Commissioners have always endeavoured to induce the large owners to take a liberal view of the question.

411. Instead of saying the lord and the copyholders, I should have said the lord and the commoners?—As a general rule, the "commoners" would be the proper word.

412. We have heard a great deal about the population, and I want to put a case of this kind: one of the freeholders of a manor has one acre of ground, of course that acre would entitle him to an allotment?—Yes.

413. If he covers this one acre with cottages, and builds on this acre 10, 12, or 20 cottages, I want to know whether you think that it would be fair and just to the rest of the poor that that freeholder, not having given his cottages any gardens whatever, while the other cottages had gardens, should expect that each of his cottages should have a quarter of an acre allotted to it out of the waste of the manor?—If such a thing has occurred, it justifies my saying what I did on the last occasion of my appearing before the Committee; because my statement was, that if you put out a large quantity of cottage garden ground prospectively in a parish, and if people chose to speculate in constructing bad cottages, it might lead to the erection of an inferior cottage without sufficient garden ground. But unquestionably, in all those cases, whether it is the case which the honourable Member has put, or another, I say that it is the duty of the Commissioners to do justice between the largest and the smallest parties to the best of their power, and they must look to the particular case, and see whether any injustice will be done in that case by what is proposed.

414. You have large experience in these country cottage properties; is it not the fact that a small man who comes out of a town, and buys a small piece of land, and builds cottages upon it, runs up a most inferior description of cottage without a garden, or with a very small garden, lets it at a much higher rate than the rate at which the other cottages are let by the other people in the neighbourhood?—That is certainly so, because I have seen instances where the brickwork is of such a character as that the water flows inside in winter. With a large garden and a cottage with three bed-rooms and everything else, my tenants pay me 3 *l.* 18 *s.* a year, and perhaps these other parties get nearer 5 *l.* for a cottage without a garden.

415. Is it not the case in some instances that these

these are the very people who, not having provided gardens for these cottages, come and make the disturbance about the allotments for the labouring poor?—I can hardly answer that question, because until the question has been raised elsewhere, we have not had the complaints. The complaints which have arisen as the inclosure has been going on, in one or two instances, have been by some person who wanted a great deal more than he had a right to; and because he could not get it, he, perhaps, went to some Member of Parliament to get up a case, but as a rule I do not know that complaints have been made; they have not come to us. We sometimes have the poorest people, who can hardly sign their own names, who write to us, and the letter is always inquired into, and answered, just as much as if it came from the largest owner in the parish, and with the same consideration.

416. So far as your experience goes, is it not, as a general rule, the wish of all those who are interested in the welfare of the agricultural population that there should be allotments, and liberal allotments, throughout the whole country?—My opinion is that the great proportion of the country gentlemen, as far as I know of them, are in favour of allotments; but I think that those who have been in the habit of dealing with them, and who practically know what will succeed and what will not, differ a little from those who form their opinion without that experience.

417. Is it not also a fact that when allotments have been granted, not from an inclosure but by the owner of the property, it has been found for some time past that instead of more people wishing to take allotments, those allotments have generally gone into fewer hands; that is to say, that where there were 20 men when the land was originally allotted, there are now only 10?—I am not at this moment aware of any such case, and therefore I should not like to answer that question. If you mean to deal practically with this question, I think that the Committee, in any alteration which they make, would be very wise to look at it in a practical point of view. You must see how far an allotment is from the place. What is the use of putting an allotment for a man to take up manure to it upon an inclination of 1 in 6, or 9, or 18, or 20? It cannot be done.

418. You say that you look at every allotment, and take it upon its own grounds?—Yes, we look at every case *per se*.

419. Taking Mr. Tremenheere's report, and taking the allotments which you have made since the Inclosure Act was passed, is it not a fact that there are more acres allotted than Mr. Tremenheere says are necessary, taking two men to every 100 acres?—The honourable Member for Brighton, supposing that we had made use of that calculation as he supposed, took a fair objection to it. The honourable Member said that if you take two men to 100 acres inclosed you leave out the rest of the land in the parish, and I saw the force of that at once; but we said, "You, have made a mistake in your figures," which I believe he will admit; then I say that taking the whole of the land, subject to allotments, and giving two men to every 100 acres of that inclosure, and taking off one third or whatever it may turn out to be of that land, which, from its state or character, though subject to allotments, it would be ridiculous to set out allotments on, the figures show that on the whole, since the passing of the Inclosure Act, the provisions of that Act have been fairly and properly carried out.

420. As a practical man do you not think that the inclosure and cultivation of this land has been for the general benefit of the country, as well as for the population resident there?—If you ask me as to the effect of an inclosure of a waste of that kind, both in population and in respect of every other social purpose, I have no doubt of the benefit of it. If you see the stock on the common, you will observe that the sheep and the stock are of the most wretched description, and on the other hand every man practically knows that the population close to these commons are the poorest population in the world; they depend upon what they can get, or take what does not belong to them; and both in habits, and in social condition they fall below the regular class of labourer, who is actively engaged in agriculture or other work.

421. With the increase of population in the towns, must it not be for the benefit of the nation that these commons should be employed for the production of food for the people?—There is no question that it would be a great gain to that extent.

422. Is it not also a fact that many of these commons have been inclosed, because the people who are living on the borders of these commons have stolen and taken in large portions of the common to which they had no right?—There is no doubt that in some places in Wales, the principle of squatting has prevailed, and that to stop it, and to stop the destruction of property, has been the object of the inclosure.

423. Is the size of the recreation grounds as named in the Act of Parliament amply sufficient, or not?—I should think that those which are named in the Act of Parliament, where you can give them, are sufficient.

424. As a matter of fact, is not the quarter of an acre which is mentioned in the Act of Parliament, quite as much, if not rather more, than any labouring man can properly cultivate?—I think so, and I said to the honourable Member for Brighton, that I should feel very cautious, for many reasons, in enlarging that amount.

425. If that quarter of an acre could be given, but if it was to be one mile from where a poor man lived, you would then say that it would be of no use whatever to him?—Not the smallest use.

426. I think that there are some little improvements which you would suggest in this Act, and one of them is, that there should be a little more power in your hands to enforce the proper observance by the churchwardens and overseers, and the allotment wardens, of the provisions of the Act?—I do not say where that power should be, but I am sure that it should be in somebody's hands, and I believe that that is the principal defect in this Act at present.

427. Is there any alteration in the Act, which you would suggest, with regard to the letting of these allotments to the poor people?—There is one thing which I forgot to mention; I should not like to offer an opinion, because perhaps my colleagues and myself might differ about it, but it is with respect to the rent-charge. I myself should not be in favour of getting rid of the rent-charge altogether, but I very much doubt whether I should not put it at some proportion of the absolute value of the land at the time. I think that there should be a margin. For instance,

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stance, in the Swaffham case they complained of its being too high for the poor; it was only 15 *s.* an acre. We had a long correspondence with the valuer upon it, and he said, "I will get you 50 farmers who will give it."

428. With these two or three exceptions, do you think that the Act has worked well?—I think so, because otherwise we must have had complaints. There is not power sufficient in the valuer to prevent interference with his work by trespassers during the time that he is going on. That is merely as to the wording of the Act; he can do certain things, and cannot do others.

429. With regard to the rights for the future, in looking at an inclosure, you look at it as it is at present, but so far as the Act goes, have you any right to look at it for the future?—There seems to be a difference of opinion upon that point. I do not think that the Act intended to provide for the future, but it is just possible, in the opinion of some, that you can put a construction on the Act as to the future. Then I say that you must give me some basis upon which I can make my speculation. If you give me no basis, I am left at sea; I can do nothing; and if you cannot in an Act of Parliament define what is to be the case, you cannot expect me to do it.

430. I am alluding more particularly to the question of the honourable Member for Surrey; he asked whether, if a common was within 8 or 10 miles of a town, and if a railway could take the people out, you ought not to consider that state of circumstances?—He asked me as to inhabitants.

431. Do you not think it a monstrous case that a man should speculate and build up every available place in a town, and then should expect to get for the benefit of that population which he had created a common to which they had no right?—Of course, that is a question for the Legislature, I must, as I have said, look at what I am bound to do by law: if you can say that I can build up every spot of ground, and not leave a breathing hole, so as to make the most of my ground, and then that if accidentally a railway goes for 20 miles, I can avail myself of it so as to make the most of my property, and that I am to take your ground for exercise ground, of course, I have nothing to say to it.

432. You would think that a great injustice?—I do not think it very fair.

433. *Chairman.*] Your attention has been called by an honourable Member to a case in which the owner of a small piece of land might build so many cottages on it that he might be unable to provide gardens; and the inference arose that allotment gardens should not be provided for those cottagers for the mere purpose of encouraging such speculation; is not it the duty of the Commissioners to take into consideration the wants of the labouring poor, without inquiring whether the owner of those cottages was, or was not, justified in erecting them without gardens?—Certainly; if there was a very large space of ground, it would become a matter of indifference whether you had so many acres more or not; but if a man built up a lot of cottages, having no interest in the ground, and if there were men having rights upon the common who were poorer than the men in those cottages, it would not seem right to deprive those poorer men of the ground for the sake of the others; it must be a matter of justice in each case.

434. In your way of reading the Act, I suppose that you consider that the allotment gardens are to be regulated by the wants of the men who live in the cottages, without any reference to the owners of those cottages?—Certainly.

435. Mr. *Liddell.*] You were asked just now an utilitarian question, namely, whether the inclosure of commons was not a very important question with reference to the increase of the supply of food, and you answered in the affirmative; does not the whole value of the allotments which is assigned to the poor man consist in your affording to him a supply of food?—There is no question of it.

436. Then, looking at the matter in an economical point of view, it is more important to increase the supply of food to those who want it than to those who, comparatively speaking, do not want it?—I did not understand that the question was put to me with that view at all, but I understood it to be, generally, whether the inclosures had effected good or not. It strikes me that whether a supply of food went straight to the cottager from his garden or went to the market, there would, so far as the country was concerned, be that supply of food. It might be better that the cottager should have the means of supplying himself, but whether that food is grown by the cottager or by anybody else, it is of so much value to the country.

437. Supposing that it turns out (as I have no doubt that it will turn out) that the possession of a quarter of an acre of ground by a cottager, which he could cultivate, would keep him off the rates, would not it have a very important bearing upon the matter in an economical point of view?—Yes, we have very few able-bodied labourers upon the rates, except in case of sickness. I do not wish to be at all misunderstood; I have been for years and years in favour of poor allotments, as being beneficial to the poor; if those poor allotments are let to them with discretion, and if a man is not so overdone with working at his allotment that he injures himself and injures the man who lets it to him; as long as you let it to him, so that he can cultivate it properly, and can get the produce from it properly, without preventing his gaining his wages, I have not the slightest doubt that those allotments are most beneficial, and I myself have done everything to encourage them.

438. Did I rightly understand you to say that there was no power of appointing allotment wardens?—I said that there is a direction how they are to be appointed under the Act, and then I said that there is no superior power, if they are not appointed, to compel the appointment, nor, if appointed, which can interfere to make them do their duty.

439. If there is no specific power to compel the appointment, would it not follow, as a natural inference, that their regulations cannot be enforced by law?—The Commissioners are empowered to make rules which are to last for five years, which I at once admit that they have never done, because it is an absurd thing for a man to make a rule which cannot be enforced; every man who would carry out our rules, would just be the best man to make his rules, and to carry out the letting of the allotments, whereas if he would not do it, he would disregard our rules, which we have no means of enforcing.

440. This bears, as it seems to me, in a most important

important way upon the unappropriated allotments?—No doubt it does.

441. Supposing that the directions of the Act have not been complied with, and that allotment wardens have died out, or have not been appointed at all, might not unappropriated allotments become nuisances?—In one case, the people have not paid any rent, and they have said that the land is theirs; I heard of one case yesterday.

442. Will you state what that case is?—I cannot at this moment tell you, but the statement was from a person who had been very largely engaged in valuing; I asked him what he had seen of these allotments, and he said that in some cases the allotment wardens had not been appointed.

443. Will you, on another day, furnish the name of that place?—Yes, we have letters which I can place before the Committee; for instance, I had yesterday morning one letter in which it was stated that the overseers had chosen to let a recreation ground to a man who turned on heavy cattle. Several said, "We do not like this, how can we stop it"? and they wrote to us. I said, "I have no power to interfere."

444. Mr. *Martin.*] That is in defiance of the Act?—Yes; my question is, how you are to enforce the Act; I have no doubt that the result is that in some cases the clergymen and others have had it carried out, but in many other cases, if you made inquiry, I have no doubt you would find that it had not been properly carried out.

445. I understand that by the 108th clause of this Act, the incumbent of the parish for the time being, one churchwarden, and two ratepayers, are in all cases directed to be the allotment wardens?—Yes.

446. Then it is not very easy to understand how a common inclosure should be without allotment wardens, because there must always be a clergyman, and there must always be a churchwarden, and there must always be two ratepayers?—Yes; but there may be a clergyman who will act, and a churchwarden who will not act, and two ratepayers who do not like it.

447. Then the deficiency arises from these persons not being willing to discharge their duties?—Yes, or forgetting their duties under the Act of Parliament; I daresay that it has many times happened from neglect without any wrong intention.

448. There is no power of forcing these persons to discharge their duties?—None; if we hear about the allotments, I think that generally these cases are brought to our notice by the incumbent.

449. Mr. *Pease.*] Under the 34th section of the Act, is there not a power in the meeting which is held for the appointment of a valuer, to give instructions to the valuer relative to the amount of land to be appropriated under the allotments?—Certainly.

450. Have they often given such instructions?—Yes, I think that 700 acres have been given for the sites of schools, and other land for burial grounds, and for sites for churches. In one case they will give, perhaps, a site for the Wesleyans, and in another case for a Church school.

451. I want to know more particularly with regard to the allotments for the labouring poor?—Yes; I remember an early case in Cambridgeshire where they gave considerable allotments.

452. And you have never thought it right to limit those recommendations?—No; people generally take care of their own interests.

453. Since you have been an Inclosure Commissioner have you often had visits from Members of this House who have been interested in these matters, before the proceedings were laid on the table of the House?—We have had Members calling upon us, and we have had other people. Whether a man is a Member or not, if he is interested in the inclosure, he may come to inquire how it is going on.

454. Have you had four Members, as representing their constituents, complain of the quantity of land reported on by the Assistant Commissioner for the purpose of these allotments?—I do not remember any.

455. If you had had any such representation, would you have deemed it your duty to have looked into the matter?—Certainly.

456. Generally speaking, do you find that there are cottages with gardens attached to them?—Yes; you will find in some places cottages with gardens and orchards. At Withypool they have cottages with fields attached to them.

457. Then the fact is, that the powers of this Act are rather to make up for the laches of the proprietors?—Yes.

458. With regard to the district in which I am more particularly interested, supposing that you found that there were neither cottages nor people in the neighbourhood of the moor which was about to be inclosed, but that there was a mine being sunk there, would you consider it a case in which you should make allotments for the labouring poor?—You mean if the mine would succeed.

459. I am supposing that the mine would in all probability succeed?—You could hardly reserve land under this Act for the labouring poor when there were not any; it would be reserving it for persons who did not exist.

460. Twenty or thirty men might be working, and there might be a tremendous amount of lead ore at the outset?—I find that there have been miners with cottages and insufficient gardens, and allotments have been set out for that purpose.

461. Did you ever know the lord exercise a veto because of the large amount set out for allotment gardens?—No; as a rule it is unquestionably the case (and every Inclosure Commissioner will tell you the same thing) that it is much more likely to be the other way, and that the lord exercises a veto because sufficient is not set out. It is natural enough that every little man who has his little should look to it, but as a rule there is no question that the liberality of the allotments is on the side of the lord, and not of the commoners.

462. I will take a case where there are two townships in different manors, but in the same parish; one has a large town in it, and the other has hardly any population; the town is on the border of the parish: in such a case would you consider that the townspeople in the one parish were entitled to allotments in the next manor?—If the honourable Member takes allotments conjointly, namely, for exercise and recreation, and for the labouring poor, I must beg him to divide the question, because the law is different upon them. The exercise and recreation ground is set out for the inhabitants; the allotments to the labouring poor are confined to the people in the

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parish, and if a man goes a mile out of the parish he must give up his allotment.

463. I refer to the case of two manors in one parish?—Then all the poor in that parish would be entitled, if they were fit objects for it, to allotments in respect of the labouring poor; because, although in two separate manors and in two separate inclosures, yet, as far as regards a person who has an actual right in the common, it would probably be in respect of the lands in the manor; but as regards the people who are to be benefited by the Act, by hiring allotments, it does not matter whether they are in the manor or not, but it does matter whether or not they are in the parish.

464. Mr. *Johnston.*] In section 15 of the Act there is a provision that the village green may be held to be a substitute for a recreation ground?—Yes.

465. Is it not the case that common rights over such greens have not been extinguished, as in the case of inclosures, and still exist; and that there is a destruction or deterioration of the green as a recreation ground?—The only restrictions and powers under the Inclosure Act with respect to a village green, are, first, that no village green shall be inclosed; but, of course, that fact does not interfere, and ought not to interfere with the common rights which are exercised over it. The clause alluded to says that an inclosure shall not deal with a village green; and then it goes on to say that it may be taken as part of the recreation ground, or you may take more. The Act of 20 & 21 Vict. c. 31, s. 12, prevents nuisances from being put on village greens.

466. Do not you think that where a village green is held to be a substitute for a common, there ought to be a power to extinguish and compensate common rights over that green?—I do not know why that should be the case, because there is a power in the Act to let the herbage of exercise and recreation grounds.

467. From your experience in the country, do you think that the benefit of allotments for the labouring poor is as great in purely rural districts as it was 30 years ago, and that they do as much good as they did 30 years ago?—Speaking for myself, where the land is near enough for people to get to it, and to get their manure to it, and where they have not more than they can cultivate, I do not find that whenever I have a bit of land to let somebody will not take it. Of course the population has not increased; but at the same time as they do more by what we call job work, and get higher wages, it is very doubtful whether they will continue the allotments. That I do not know; but I do not think that the time has arrived when they will give up those allotments.

468. Mr. *Fawcett.*] You stated, in reply to Colonel Barttelot, that great benefit had resulted from the inclosures, both socially, morally, and economically?—I think so.

469. In reply to me, when I asked you what effect the inclosures had produced in many cases which you enumerated, those cases being selected as illustrating that there had been no increase of population, you said that you had no specific information upon which you could base an opinion?—The distinction is quite clear. If you ask me what particular advantage has accrued in parishes A., B., C., D., E., and F., I may know of no particular advantage; but as knowing country matters locally, and more generally, I can undertake to say that where commons have been inclosed I see a very great improvement. Let any man go to Framfield Common, and he will see the face of the country is altered.

470. Mr. *Peek.*] You entertain the frequently expressed opinion that the general public has no legal common rights, though that general public may for centuries, and unmolested, have walked and ridden upon, and even more substantially availed itself of the advantages of a common?—That just changes the question. Taking the question, which the Honourable Member previously asked me, if there were two termini, and the public had gone from one point to another, that is to say, had exercised a public right of way, if you inclosed the common 50 times over, and did not give notice to shut up that public way it would still exist, and you could not deprive the public of it under the Act of Parliament. But if the Honourable Member refers to persons wandering anywhere over a common, I can only refer him to decided cases where the judges have answered the question.

471. Do you not think health to consume food of equal or greater importance than a small increase in the total production of food?—I think that health is certainly very important, and the question is how that health is to be obtained. If you obtain health for the public, it strikes me, in common honesty, that it should be at the public expense, and not at the expense of one individual. If the health is required by the country, in my opinion, you should do as you do in a gaol, you should say that for the sake of public health something must be sacrificed. I should say, in the case of ground for a gaol, "You must sacrifice your property, and must be compensated for it."

Mr. John Bailey Denton, called in; and Examined.

Mr. *J. B. Denton.*

472. *Chairman.*] What profession do you practice?—I practice the profession of a Valuer, and also of an Agricultural Engineer.

473. Have you had much experience as a valuer under the Inclosure Act?—I have had some considerable experience, having acted as valuer, I think, for 10 inclosures since 1845, and as a Commissioner of Inclosures previously to 1845.

474. Will you state how the valuer should value the allotments which are set apart for the labouring poor?—The Act prescribes that it shall be according to the productive farming value.

475. So that the duty of the valuer is to take the complete farming value, according to the best opinion which he can form?—It is so.

476. Will you state how you fix the amount of rent-charge which is received upon the allotments for the labouring poor?—Positive instructions are given by the Inclosure Commissioners with regard to the public allotments for recreation and for gardens for the labouring poor; and the valuer, to the best of his ability, sets upon the latter a value which becomes a rent-charge, which is either disposed of by sale, to pay expenses, or forms an item in the general allotment.

477. Has an inconvenience sometimes arisen from the amount of the rent-charge being so small as to involve a good deal of trouble in paying it, and has it also produced an inconvenience by the parties who pay it considering that the rent-charge

is too high in proportion to the value of the land?—There is considerable difficulty in certain instances in consequence of the rent-charge being too small; that is proved by the fact that a rent-charge, when sold, realises only 15 years' purchase; I do not know of any rent-charge which has reached 20 years' purchase; whereas the land would sell for 30 years' purchase at the same rental The farming rent being fixed upon the land, if the rent-charge is sold it will only realise 15 years' purchase, which is half of what the land at the same rental would realise in the market.

478. Does it occur to you that it would be desirable to make any change in the law regarding the rent-charge of those allotment gardens?—I have traced the procedure in three inclosures which I have had to deal with, and having heard the evidence of Mr. Darby, I think that if I give the facts the Members of the Committee will arrive at something like a practical conclusion; I will take, for instance, Ashwell, on the borders of Hertfordshire; the total quantity in the parish is something about 4,000 acres, of which 2,506 acres were dealt with under the inclosure, of which only 116 acres were waste, and therefore subject to public allotments. In Meppershall in Bedfordshire, about 2,000 acres was the total quantity in the parish; 874 acres were commonable land, of which 33½ acres were waste. In Stotfold, also in Bedfordshire, there were about 2,500 acres in the parish, of which 1,840 acres were commonable lands, and 225 acres were waste; but out of that quantity I think some portions were Lammas and Midsummer ground, and therefore not subject to allotments for public purposes. I am not quite distinct upon the quantity of waste. These figures show how very small the proportion of the waste land subject to public allotment was to the whole of the land dealt with under the inclosures. I have also traced the procedure in the parish after allotment in those three cases. In the case of Ashwell three acres were allotted for gardens, and the land is let to the labouring poor in 48 allotments of 10 perches each. The rent-charge which I fixed upon those three acres was 30*s.* an acre, making 4*l.* 10*s.*, or 2¼*d.* per pole; the rents now obtained are 3*s.* 6*d.* per plot, or nearly 4¼*d.* per poll; and if I am correctly informed the surplus is paid to the surveyor of highways, which is very irregular. The surveyor of highways can have, under the Act, the surplus arising from the herbage in the case of recreation grounds, but I do not know that he has anything to do with the surplus in the case of garden allotments. In the case of Meppershall the allotment ground was five acres, and is let in 47 allotments of 16 poles each; the rent-charge was 6*l.* per annum, or 1⅞*d.* per pole, and the occupiers pay 4*s.* for each plot, or 3*d.* per pole. The surplus, after payment of the tithe rent-charge and poor rates, is handed over to the overseers, unless there are repairs of gates and fences to do. In Stotfold the land is let in plots of from 10 to 20 poles each, and the rent obtained from the occupiers is 4⅛*d.* per pole, or 50 per cent. more than is paid as rent-charge, and the surplus is laid out every Christmas for coals, for the benefit of the poor. I give these three cases, bnt I can multiply the cases if the Committee should desire it.

479. Then we may take those cases as samples of a great many other cases?—Yes; there are very diversified uses of the surplus; for instance, from Hampshire I have a communication, which states, "The allotments set out for the labouring poor in most cases have not yet been of much service. The allotment wardens have had much difficulty to let the plots as directed by the Act, and are obliged, in order to pay the rent-charge fixed on the land" (there is no surplus there) "to let some portions of the land in plots of one or two acres."

480. Are you aware of the character of that land, whether it was particularly bad for spade cultivation?—I believe that in that case the land was at a distance from the cottages; and I hold, from some experience upon the subject, that if allotment gardens exceed a distance from the cottages of half-a-mile, they are of very little value.

481. Are you aware how that land which you have last spoken of was cultivated?—I am not. There is another case, in Huntingdonshire, and my correspondent says, "The proceeds are directed by the order to be laid out in fuel, and given amongst the poor."

482. By what order?—I do not know what he means. He also says of another case, "The surplus, after payment of rates and other charges, is handed amongst the common right owners."

483. Then are we to understand that in these cases the rent-charge was apportioned by the provisional order as an allotment to some individual or other; but that from the smallness of the amount, or from some other cause, which you are not able at present to state, it has no longer been paid to the person entitled to it, but has been diverted to some *quasi* public purpose?—Not so; the rent-charge fixed upon the allotment gardens is not fixed by the Inclosure Commissioners, but is left to the valuer, who exercising his judgment puts a value upon the allotment. It either becomes a rent-charge to be disposed of, with the approval of the Inclosure Commissioners, by sale, towards the expenses of the inclosure, or it is allotted to certain individuals who have allotments to receive; they receive, in fact, a part of their allotment in the shape of a rent-charge, instead of land, but as a valuer I have never carried out that proceeding. I have sold rent-charges; and I have myself bought rent-charges at 15 years' purchase; I have in Hertfordshire, or rather my son has, at the present moment, a rent-charge which it is most difficult to get. I bought another rent-charge at Stretham, in Cambridgeshire, of 40*l.* a-year, and I gave 600*l.* for it; and I have no difficulty in getting it. The overseer, in the first case where my son is the owner, requires a small percentage for transmitting the amount which he sends, perhaps once in three years.

484. Will you explain what are the causes which have led to these rent-charges being so little coveted?—It arises from the difficulty of collecting them, and the fact that there is no tangible property in them beyond a simple rent-charge.

485. Mr. *Martin.*] You mean, I suppose, the difficulty of procuring the interest?—There is a considerable difficulty in procuring the annual amount should it be resisted.

486. *Chairman.*] Have you known instances where the allotment wardens have not acted?—I have endeavoured to ascertain who has acted in the several cases which I have had before me, and I do not understand that the two ratepayers prescribed by the Act have been appointed. The

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Act prescribes that the incumbent shall be one allotment warden, that one churchwarden, if there be more than one, shall be a second allotment warden, and that there shall be two ratepayers elected, making four allotment wardens. I do not find that those two ratepayers have been elected.

487. Mr. *Martin.*] Does that only refer to these three cases, or does it refer to all your cases?—It refers to all the cases that I have inquired into.

488. *Chairman.*] These two wardens ought to be elected at the same time, and in the same manner, as the overseers of the parish are chosen?—Yes.

489. But, as far as your experience goes, those wardens have not been elected?—No; or if they have been elected they have not acted; it has chiefly rested with the churchwarden or the overseer, and the clergyman of the parish.

490. Have you reason to suppose that the wardens have had a difficulty in collecting the rents from the labouring poor who hold the allotments?—I think that in certain parishes there has been difficulty.

491. Are you also aware of cases, in addition to the one which you have mentioned, in which the ground set apart for allotments for the labouring poor, is not used by the labouring poor?—I am not. Where unsuitable land has been used for gardens, there has been considerable objection and difficulty in letting them. In my own parish of Stevenage, before the land was underdrained, there was a part of the allotment garden lying waste; since it has been drained, the land has been eagerly sought.

492. Have you any suggestion to make to the Committee as to an alteration in the law regarding the rent-charge in cases under inclosure?—No; but I hope that the Committee will give me an opportunity of explaining, having a great interest in the welfare of the agricultural labourer, and being myself a large employer of labour, or, rather, directing a great number of labourers, that though there has, no doubt, been some failure in carrying out the intentions of the Legislature under the Inclosure Act, after the allotments have been handed over to the parish authorities, still there is something like a basis in the proceedings which might be made a means of dealing with allotment gardens generally throughout the country; that is to say, in this way: the law directs that the valuer shall put upon the land dealt with for allotments a purely farm rent; but the rent paid by the cottager is almost always double that.

493. When you say "almost always," are you alluding to a private owner's allotments, as well as allotments under the Inclosure Act?—No. I will take these three cases which I have given you, and I can show you that whereas the farm rent is a little above 2 *d.* per pole, the rent obtained from the occupier of the land is 4 *d.* or 4½ *d.*; but I know of much higher rents being obtained, although, no doubt, the intention of the Act was, that the occupiers of the land should have the land as nearly as possible at the rate of the rent-charge; still the amount of the rent actually paid by the labourer is very considerably more, and the suggestion which I would lay before this Committee is, that inasmuch as the rent which the agricultural labourer pays is not more than he is willing to pay, and is able to pay, although it may be double that which the rent-charge would give, there is a difference between the two which might be made available for an extension of the allotment garden system in parishes. I will take as an instance five acres of land allotted as gardens for the labouring poor, they will pay in the shape of rent-charge, 30 *s.* per acre, that is, 7 *l.* 10 *s.*; the tithes, rates, and taxes will perhaps amount to 10 *s.* an acre; that is, 2 *l.* 10 *s.*, making together 10 *l.*, which is equal to 2 *l.* per acre, or 3 *d.* per pole. The number of cottage labourers in rural parishes, probably on an average, will reach 70; of which half, 35 may require full gardens, they will readily pay from 4½ *d.* to 6 *d.* a pole, and while young and able, they can well afford to do so. If in an allotment of five acres, there are as many as 35 plots of 20 poles each, which allows 100 poles for roads and waste, and 6 *d.* per pole is charged for 18 plots, and 3 *d.* for 17 plots, the rent realised will be 13 *l.* 5 *s.* This would yield a surplus of 3 *l.* 5 *s.*, which by the law, is now disposed of as the churchwardens may direct in aid of the rates. This 3 *l.* 5 *s.* difference would be in the hands of the allotment wardens, wherewith to lease more land, and upon a like application of the land so taken, there would be again a surplus in the same way. In this illustration I have divided the total number of plots into two portions, taking double the rent-charge as rent for 18 plots, and the simple amount for 17, because I have considered that in all populations, half at least will be young and able, and capable of paying the 6 *d.* a pole, whereas there may be half the population of men who would not be so able, and to whom it would be an act of kindness and justice to let them have the land at what the allotment wardens have paid for it: namely, 3 *d.* a pole. If I make myself understood to the Committee my proposition would be to this effect, that as the rent-charge placed upon allotments for the labouring poor under inclosures is fixed at the farming value, the same principle might be adopted in parishes irrespective of inclosures, and land might be obtained by garden allotment wardens at its farm rent, and let in the same manner as the allotment wardens (acting in the case of an inclosure) let the land under their control. They let the land at an increased rent, and so might the parish authorities, who might lease lands in cases where no inclosures were concerned. They might let the land so as to derive a profit rent, which profit rent might be employed in taking more land under lease, and so extending the system, thereby providing for an extension of the population, as well as meeting the requirements of the existing population.

494. Mr. *Martin.*] You say that the allotment wardens let these gardens at double the rent; I want to know how they do that, because it must be in direct violation of the Act: the Act says in the 109th clause that the gardens to be let shall "once, at least in every 10 years after such first letting, be valued by a competent person to be appointed by the allotment wardens for that purpose, who shall estimate the full rent which the same would be worth to be let by the year for farming purposes, all tithes or tithe-rent charges, rates, taxes, and assessments, being borne by the landlord"?—I am quite aware of that clause, and I believe that it is done in violation of the law, though it is hardly to be wondered at, seeing that the Act itself deals with a surplus, and by the 112th section directs how a surplus should be employed.

495. *Chairman.*]

495. *Chairman.*] Is there anything in the Act which controls the discretion of the allotment wardens as to the way in which they may dispose of any amount of rent which they may receive, and which is not necessary to pay the rent-charge; are they at liberty to use it for any parochial purpose which they like?—The Act is precise. As I understand it, such surplus is to be applied towards the parochial rates.

496. And your suggestion would be, that instead of handing it over to the parochial rates, the authorities might be empowered to employ that money in hiring other land to be let out to the labouring poor for allotments?—Decidedly so: and it would meet any increase in population which might occur, though my own investigation of the matter enables me to corroborate what I heard Mr. Darby say, namely, that the population of agricultural parishes is in certain instances rather on the decrease than on the increase.

497. Will you tell the Committee what is your opinion, from your experience, as to the quantity of land which may be advantageously held by a labourer for the purpose of an allotment garden?—I think that it should not be less than 20 poles; that is to say, that a plot of 20 poles should be the unit in the allotments. Old men, when they get a little disabled from work, can garden, and can do justice to a greater quantity of land than able-bodied men in full work. I refer to men who are a little on the decline as respects physical power.

498. May not the children of a labourer advantageously do a good deal of work in the garden, and so enable him to cultivate beneficially a quarter of an acre, or more than a quarter of an acre?—He may certainly do so under those circumstances.

499. With regard to men who are employed in sedentary occupations during the day, and not in agriculture, such as village saddlers, or cobblers, would not that class of persons advantageously use more than a quarter of an acre?—That is possible.

500. Are we to understand you to say that, on the average, taking all the cases together, you would think that one-eighth of an acre was the right amount?—Yes, decidedly, as the unit of division; but I think that, under certain circumstances, it may be doubled.

501. As you have travelled a good deal about England, have you formed the opinion that there is a considerable deficiency of allotment gardens for the labouring poor?—Yes, there is a great deficiency; but I have also known of abuses of garden ground. I know of one instance, which I cannot mention by name, where allotment gardens were set out by the owner of a large property near a considerable town, and it has been ascertained that there has been such improper traffic amongst the occupiers of the garden land, that the system is about to cease, and the allotments, I believe, will be discontinued.

502. I presume that the allotment wardens would prevent such an abuse as that in the land under their care?—I presume so, if they did their duty.

503. Mr. *Martin.*] What do you mean by traffic in the allotments?—For instance, one man will be holding three or four plots by a private arrangement made amongst the occupiers without the knowledge of the owners.

504. *Chairman.*] We have found, in some of the reports of the Inclosure Commisssoners, that the fact of having a garden is stated as a reason why the labouring poor do not require allotment gardens; considering the great variety in the sizes of the gardens, should you think that the mere fact of there being a garden was a sufficient circumstance to render an allotment garden necessary?—It depends upon what the size of that garden is. On the best managed estates in England that I know, it is considered that 20 poles of land within a distance of half a mile, and five or six poles at home, are the best quantity and the best arrangement.

505. Is it not common among the cottages in England, to find gardens near them which are too small to provide any considerable quantity of vegetables?—Yes; in villages it is hardly possible to give to each cottage occupier 25 poles of land. On Lord Pembroke's estate, the practice is to give 20 poles at a short distance from home, and five or six poles at home; the five or six poles produce a few lettuces or smaller vegetables, while the 20 poles at a distance produce potatoes, and cabbages, and onions.

506. Have you formed any idea of the value which a labourer can get out of a garden of 20 poles cultivated for vegetables?—I have gone into the calculation, and I have found that, after payment of rent and seeds, about 4*l.* profit may be got out of a quarter of an acre; that is a rood of land. If we adopt 20 poles of land as the unit, the occupier would obtain rather more than after the rate of 4*l.* per rood.

507. Is that an estimate of what the produce of the garden would be worth to him, or has it reference to what he would be able to sell in the market?—It has reference to what he would pay if he had to buy the vegetables which he grows.

508. So that his garden might often pay the rent of his cottage, and also provide a considerable part of his food during the year?—I have always considered that the profit of the garden would pay his rent.

509. Is it your idea that every agricultural labourer in the country ought to be provided with, at least, 20 poles of land?—I most distinctly think so.

510. Turning your attention to the recreation grounds which are to be provided under this Act, what do you think is the smallest extent which would be convenient for the recreation or for the games which persons would wish to carry on?—It depends upon what the games are; cricket, for instance, ought to have, at least, five acres, and they ought to be in a square block.

511. Those five acres would be necessary for cricket, whether the population in the neighbourhood were large or small?—Exactly so, if there are two elevens to be made up in the parish.

512. It is not the extent required for the spectators, but for the players?— Spectators and players together.

513. Lord *George Hamilton.*] In that case, would not one acre be actually sufficient for the ground in which they play, because they could stand round; the five acres are not worn, but it is only the actual part in which the wickets are; and therefore would not one acre be sufficient if there was ground around them on which they could stand?—It is part of the duty of a valuer, in setting out a recreation ground, to inclose it, and the fencing is paid for out of the public expenses; and, therefore, that assumes that there

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is no space beyond the recreation ground which could be used by the spectators.

514. Mr. *Lowther.*] From your experience in the country, do you think that the benefit of allotments to the purely labouring poor is as great as it was 30 years ago?—I think so; the population is not now what it was then, and necessarily, as the population has increased, the requirement of ground for garden allotments has increased.

515. Is it not the case that there is more piecework, and less superfluous labour, in rural districts than there was 30 years ago?—I am not prepared to answer that question.

516. Mr. *Martin.*] Are you aware that under the present Act the levelling of a recreation ground is paid out of the inclosure, but that the levelling of allotments for the poor is not?—It is so.

517. Do you not think that it would be very desirable to amend that Act, and to have the allotments levelled at the expense of the inclosure?—I do not think that any valuer would set out an allotment for garden ground where it would require levelling, but it might be so by necessity.

518. You have told us that you know of a case where the allotments by traffic got into such few hands that the allotments were about to be abolished; these cottagers get a benefit by trafficking with their brother cottagers; is there any reason against that?—The owner in the case which I have mentioned considers so.

519. It was the opinion of the owner, and not your own opinion?—Just so.

520. You perhaps agree with me that it is not a sufficient reason for abolishing the allotments?—I have not considered it in that light.

521. Mr. *Fawcett.*] In the case of the three inclosures which you have mentioned, where three, five, and six acres, I think you stated, were allotted; do you think that if more had been allotted to the labouring poor, they would have derived advantage from it?—No doubt.

522. Do you know, from your experience of inclosures, whether it would have been advantageous if more land had been reserved for the labouring poor?—Being myself a great advocate for garden allotments, I consider that there are very few instances in which there might not have been advantageously an increase of quantity.

523. You have referred to Lord Pembroke's estate; you are probably aware that in that case every cottage has a garden, but in addition to that every cottager is obliged to have an allotment, is he not; is not that almost the rule on the estate?—I believe so.

524. Then, if you read an Inclosure Bill, and found that all that was contained in that Bill was that the cottagers were provided with gardens, without stating the size of those gardens, you would not, without further information, think it a sufficient reason for refusing allotments to them?—I am afraid that I shall hardly answer your question directly. In my experience of the proceedings under the Inclosure Commissioners, I have always found so much care taken to arrive at facts, that I cannot anticipate a case where an insufficient amount of information has been obtained to guide the Inclosure Commissioners.

525. I am referring to the information which is given to Parliament. In the present Inclosure Bill it is stated that the labourers have gardens, and that therefore there is no need that they should have land as an allotment. Supposing that you were a Member of Parliament, do you think that upon that principle alone, you would be justified, in deciding that no allotments should be granted?—I do not distinctly understand the question.

526. An Inclosure Bill is introduced into Parliament, and the whole information which Parliament has to guide it is the Bill, and not the information which the Inclosure Commissioners have: I see that in this Bill it is repeatedly stated that no allotment should be reserved because the cottages have gardens; should you think yourself justified in saying that no allotments should be granted until you knew what the size of those gardens was?—Certainly not. If the gardens did not reach in extent to 20 or 25 poles, I think that additional land might be advantageously allotted.

527. And is it your experience generally that in the cases of which you know more land might have been allotted?—Yes; and having regard to the three cases to which I have referred, where three, five, and three acres, I think, were allotted, no doubt a larger allotment would have been advantageous.

528. Is it the fact that in the case of the inclosures which you have described, taking the demand for allotments for the labouring poor, the size of the allotments is only about half what you think it ought to be?—As I have stated, the quantities vary from 10 poles to 20 poles.

529. You have mentioned cases where the average is, I think, one-sixth of an acre?—I think that the average would be one-sixth of an acre in those three cases.

530. Mr. *Knatchbull-Hugessen.*] In considering the value of the allotments to these labourers, do you take into consideration the distance from the labourer's residence?—I think that no garden allotment ought to be above half-a-mile distant.

531. Are you aware of the allusion to this particular point in the Report of the Committee upon whose report the Act of 1845 was founded?—I am not.

532. Mr. *Fawcett.*] Does not the Inclosure Act give the Commissioners the power of facilitating an exchange of land?—Yes, after an allotment is set out for the labouring poor, if it is not suitable, it may be exchanged for other land which is suitable.

533. Is that power of exchange often exercised?—I have not known it.

534. Do you not think that it might be exercised most advantageously?—I believe so.

535. Might it not be often exercised in the cases in which it is stated that the ground is too far from the village; might not that ground in some cases be exchanged for land close to the village?—Possibly so.

536. And in that case you would get advantageous allotments?—Yes.

537. Mr. *Knatchbull-Hugessen.*] Would not it depend upon the willingness of the proprietors who had advantageous land to exchange?—Of course.

538. You would not, I suppose, compel an exchange to be made?—Certainly not an exchange, but I should be very glad to see some positive means of acquiring land near villages for allotments.

539. Is it not the case that when you are exchanging a given allotment for any land of greater advantage nearer a village, you take a less quantity of land near the village, it being of greater value, and are not obliged to give quantity for quantity?—I should certainly so act myself.

(Mr.

(Mr. *Darby.*) The simple thing is this, where the subject matter of exchange is a part of the land to be inclosed, and where that is done under the Act, it must be quantity for quantity; but where you are exchanging a part of the land for old inclosure land belonging to a private individual, it must be value for value.—(Mr. *Denton.*) No doubt.

540. *Chairman.*] Supposing that an attempt were made by the Government to get a satistical return shewing the quantity of land which has been set apart under inclosures for allotments for the labouring poor, and the manner in which that land is at present used, do you see any difficulty in getting an accurate return of those facts?—I do not think that there would be any difficulty; I asked four questiens of the correspondents, to whose letters I have referred, and I got very distinct answers to each question. Perhaps the Committee will allow me to explain what I mean by using the surplus between the bare farming value, and the rent obtained from the occupiers; if land used as allotment gardens is within the distance which I have said it ought to be, namely, half-a-mile, the land then becomes of an accommodation character; there is not only the farming value attached to it, but there is a value attached to position. We know that the proximity of a garden to a cottage is a very great element with an agricultural labourer; he has been at work all day; he cannot afford either strength or time to go a long distance from home to labour at his garden, and position is a very great element in value. Now, I think, that by some legislative means in all the parishes land should be obtained for gardens for the labouring poor; it might be held by lease from the landowner, because it is very desirable that the landowning element should be retained; then, if the original rent paid by the parish authorities, as lessees to an owner, was a farming rent, and if that land was re-let in plots as garden ground, at such an increased rent as a farm labourer could afford to pay, there would be the difference between the two to apply to the taking of fresh land on lease, which would meet the question of increasing population and provide land for extending the allotment system to the present population, if it was desirable to do so. Knowing the interest which you, sir, take in that question, I am most anxious to be understood upon this point, because I know that it can be worked, and I think that it would be a wise step to adopt.

541–2. Do you see any disadvantage in the clergyman and the churchwarden being the persons to take land on lease, and to let it out on lease to labourers, and take the rent, would it be an onerous duty from which they would shrink?—I think that there are several objections to the clergyman and the churchwarden being the sole acting parties; there are Dissenters in all parishes, and there are Dissenting labourers in all parishes, and whether it was so or not, there would always be an impression that favour ruled in the breast of the clergyman; I personally do not think that it would apply, but that would be the feeling with many. And again the churchwardens are generally the largest employers of labourers, and I need not say that there is a great prejudice abroad with some employers of agricultural labourers against allotment gardens, from the belief that when the labourer is wanted on the farm he will go to his garden, and that it lessens his physical power when engaged upon the farm.

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543. What parochial authority would you suggest which should have the management these allotments?—I think that that is of the most difficult question attached to the subject.

544. Mr. *Liddell.*] You have very clearly and ably described to the Committee the point from which you have just passed; would not the difference between the agricultural value and that which you properly term the accommodation value be practically a tax levied upon one set of labourers for the benefit of another, under the system which you propose, namely, that the surplus should be applied to leasing other lands for the same purposes?—I cannot see it in that light.

545. If you are to take an advanced value which you call an accommodation value over and above the agricultural value, and to charge that higher value to the occupier in the shape of rent charge, for the purpose of purchasing hereafter further lands to be applied to a population, which is a prospective population, does not it practically amount to a tax upon the existing occupier?—It does.

546. Is that just?—I think that it is just, for this reason, that the labourer is very willing to pay the increased rent, and he can derive a considerable advantage by doing so.

547. But that is an assumption; would he not be much more willing to pay a lower amount?—Of course he would, and he would be very willing to have the garden for nothing; but I happen to know that something like from 6 *d.* to 8 *d.* a pole is a rent which an agricultural labourer considers a fair rent, and one which he can well afford to pay. I have known them readily pay 1 *s.* a pole, and to be thankful to get the land.

548. Mr. *Peel.*] The fact is that they have no means of getting such small quantities of land as a quarter of an acre at the wholesale price; it is taken wholesale, and is parcelled out retail, and, as I understand your proposition, whatever profit was made, would go to create another operation for the benefit of those people who were to come afterwards?—Yes, or such an arrangement as that might be carried out in another way; for instance, when steady, respectable men get old they might have land at the rent which the parish authorities pay for it; but, as regards those labourers who are willing and able to pay, they should pay for the land such an increased rent as would supply a fund for the extension of the allotment system.

549. Colonel *Barttelot.*] You at once admit that you would have two distinct classes of people, namely, able-bodied, who are to pay most, and those who are not so able-bodied, who are to pay less?—Yes.

550. Did I not rightly understand you to say some short time ago, that a person who was not so able-bodied was better able to cultivate his garden, and could cultivate it to better advantage than an able-bodied man could after a hard day's work?—Yes, though that is the exception and not the rule; there are men of good character in the decline of life who cannot get employment every day in the

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the week, and who find employment at certain seasons.

551. You are making two distinct classes of people, and those two classes would be conflicting classes in the same parish, and would not that have a very bad effect instead of a good effect?—I think that in working out the system practically, you would find that when men were partially disabled, and found employment only at certain seasons, they were able to take two plots, and to work those two plots favourably. Then I would suggest that in order to show consideration for such men, they should have two plots at the same rent as that at which an able-bodied man should get one.

552. I understood you to say that you objected to the clergyman of the parish being one of the committee?—No, I do not say that, but as it now operates, I believe that the clergyman and the churchwarden or overseer of the parish have the sole rule in a great majority of cases; and, I think, for the reasons I have stated, that there is objection to the churchwarden, inasmuch as he not only represents the Church, but is himself generally a great employer of labour.

553. Is it, or not, a fact that taking the rural districts, the clergyman is the person who interests himself most in these allotments for the labouring poor?—Yes; I most emphatically support that view; I know it myself; in my own parish the clergyman is the person who has found land out of his own glebe for the garden allotments.

Thursday, 3rd June 1869.

MEMBERS PRESENT:

Colonel Barttelot.	Mr. Knatchbull-Hugessen.
Sir Michael Hicks Beach.	Mr. Liddell.
Mr. Thomas Chambers.	Mr. Lowther.
Mr. William Cowper.	Mr. Philip Wykeham Martin.
Mr. Fawcett.	Mr. Knight.
Mr. Leveson Gower.	Mr. Pease.
Lord George Hamilton.	Mr. Peek.
Mr. Andrew Johnston.	Mr. Walsh.

THE RIGHT HON. WILLIAM FRANCIS COWPER, IN THE CHAIR.

Mr. NATHAN WETHERELL, called in; and Examined.

Mr. *N. Wetherell.*

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554. *Chairman.*] FOR how many years have you filled the office of Assistant Commissioner under the Inclosure Act?—About 24 years. I was appointed immediately after the passing of the Act.

555. Do you take any particular portion of England, or do you go generally according to the applications?—When the Act was passed I think that there were as many as 12 assistant commissioners, and they generally took certain districts; a great many of the assistant commissioners have died; in fact, I think that there are only two of us now left. I take the south and west of England, and the other assistant commissioner lives at Liverpool, and takes the northern district.

556. Will you inform the Committee what are the preliminary steps taken by the assistant commissioner previously to the report which he sends to the Commissioners in London: first, I would ask what notices of your coming are given?—I think that I should state that the assistant commissioners initiate no proceeding upon an inclosure, and that every matter upon every inclosure is specially referred to them; they have no power to originate any proceedings themselves. At the commencement of the inclosure the Commissioners forward to the assistant commissioner the form of application, and request him to fix a day for holding a meeting. Then the assistant commissioner informs the Commissioners of the day on which it will be convenient to hold the meeting, and they give notices.

557. Will you refer the Committee to that portion of the Statute which regulates the proceedings of the assistant commissioner, as distinct from those of the Commissioners?—The section is the 25th; it states, "That any persons interested in land subject to be inclosed, and proposing to inclose the same under this Act, may make application to the Commissioners according to the form which may have been circulated as aforesaid by the Commissioners to sanction such inclosure, or to certify in their annual general report the expediency of such inclosure, as the case may require; and, in case the Commissioners shall, on the statements contained in such application, think that the inclosure of such land or of some part thereof, may be found to be expedient, they shall refer such application to an assistant commissioner, who shall inspect the land proposed to be inclosed, and inquire into the correctness of the statements in such application and otherwise into the expediency of the proposed inclosure; and such assistant commissioner shall hold a meeting, or meetings, to hear any objections which may be made to the proposed inclosure, and any information or evidence which may be offered in relation thereto, and may adjourn such meetings respectively, and shall cause notice to be given on the church door of the parish in which the land proposed to be inclosed, or the greater part thereof, shall be situate, and also a like notice, to be given by advertisement, of the time and place of every such meeting 14 days at least before every such meeting (meetings by adjournment only excepted): Provided nevertheless that it shall not be lawful for the Commissioners to refer such application to the assistant commissioner, nor for the assistant commissioner to take any further proceedings upon any such application, unless it shall be made to appear to them or him respectively that the persons making such application represent at least one-third in value of the interests in the lands therein proposed to be inclosed." That section refers to notices to be given by the assistant commissioner; but the Commissioners always take charge of them; they always send notice to some party in the parish, to be affixed to the church door, and they always take care that it is advertised in the public papers.

558. The public papers being, I presume, the local papers? — Those papers usually circulated. There is a section referring to the mode in which notice shall be given. I think that the words are, "The journals usually circulated in the neighbourhood."

559. Is there practically any other notice given beyond that which is required by the section?—No other notice is given.

560. The notice which is required to be given on the church door is not, I suppose, habitually placed upon any other part of the parish or district

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trict than the church door?—Yes; I think that I may say that it is always placed on chapels. I have known it placed on Dissenting chapels and Roman Catholic chapels; and if the land lies in two parishes it is placed on both parish churches, and generally on one of the inns. I have frequently seen it on one of the inns in the parish, being the place where the meeting is to be held.

561. After the notice, the assistant commissioner holds a meeting; I should like to ask you whether the assistant commissioner considers it to be his duty, on those occasions, to sit as a judge to hear any evidence that may be tendered, or whether he takes an active part in inquiring and ascertaining evidence for himself upon the points on which he thinks it desirable to obtain evidence?—I always make it a point to go through all the questions myself, and then, if any gentleman wishes to make any observations or to tender any evidence, of course I hear him; but I find it essential to go through the matter myself in order to see that no point upon which the Commissioners desire information is missed.

562. Are any minutes taken of the proceedings and of the evidence?—Yes; I make minutes on all the matters which are referred to me by the form of application.

563. And that is a document which you can produce at any future time?—Yes; of course the minutes are very short; a great deal depends upon an inspection of the land; we are bound to inspect the land; we have to look round many of the parishes to see what cottages and gardens there are, and to see the character of the land, so that I acquire a great deal of information on my inspection, and that is noted down on paper, without anything formal about it, but, generally speaking, I have all the information.

564. In cases where persons tendered evidence who had no special *locus standi* in respect of rights of common defined by law, should you consider it right to hear them?—Certainly, because it might affect the legality of the proceedings; the Act of Parliament says that we shall not proceed at any meeting unless it shall be made to appear that persons representing one-third in value have assented to the application, and, therefore, it is of course necessary to ascertain what the extent of the rights of common is; I have known an inclosure stopped by there being a deficiency of 6 *d.* in the rateable value; we have to take the rateable value; I remember a case in Cornwall where three parties were interested, and it so happened that the parties were short of one-third by 6 *d.*, and it stopped the inclosure.

565. Supposing that any person came forward to give evidence declaring that he had no right whatever in the common which could be defined by law, but that he represented the public interest, do you think that he would have a right to be heard, or not?—I have always inquired whether there are any public rights over the common, and I report to the Commissioners if there are any public rights, or *quasi* public rights; for instance, supposing that races have been held, though not legalised, or supposing that fairs have been held, or supposing that targets for volunteers have been placed on the common, I always report that to the Commissioners, so that, perhaps, a future arrangement may be made in that respect.

566. With reference to those provisions of the Act which are intended to secure a recreation ground for the public, and allotment gardens for the labouring poor, should you consider that you were bound, as assistant commissioner, simply to hear any evidence which was tendered with regard to those provisions, or should you take an active part and get up the case of the public, on the view that the public had no proper representative attending before you?—I certainly consider that the Commissioners, by the assistant commissioner, represent the public, and I feel bound in every case to inquire specially, first of all, as to the requirements of the parish, and then as to the quantity of land which is necessary to meet the requirements of the parish. I inspect the land and take evidence from various persons. In numerous cases the incumbent of the parish is present, and he fights the battle for the poor in 99 cases out of 100. If he is present, the poor are sure to have a good advocate in him.

567. Though the assistant commissioner inspects the land, it may be assumed that he would hardly have time enough to ascertain personally the circumstances of the labouring poor who might require these gardens, or of the public who might require a recreation ground, and he must rather rest upon evidence given to him by other people, than upon any personal inquiries of his own?—I think not. Generally speaking, in 99 cases out of 100, I see the spots to which the parishioners generally go for recreation, and I ascertain the distance of the common from the village, and the amount of the population, and I think that I get almost all the elements which are necessary to enable me to form a tolerably good judgment. With regard to cottage gardens, the overseer generally attends; he can tell me how many cottages there are in the parish, and how many cottages are without gardens, and what is the extent of the gardens. The incumbent also can give evidence, and the farmers can give evidence. I have never found any difficulty about it, or any mis-statements upon that point.

568. Will you inform the Committee what are the considerations which it is the duty of the assistant commissioner to take in view in determining what recommendation he will make as to the recreation grounds and the allotment gardens, first, as to the population; does he consider what the population is within the parish, or within the manor, or within a certain area of distance from the land which is to be inclosed?—By the Act of Parliament, we are obliged to determine the question of extent by the population within the parish, but when the ground is set out, the Act of Parliament defines it, not only for the inhabitants of the parish, but for the inhabitants of the neighbourhood, so that the number of the inhabitants in the neighbourhood may, to a certain extent, determine us in setting out the quantity, though we cannot exceed the limits of the Act, we may set out a full allotment if there are many inhabitants surrounding the parish, although not living within the parish.

569. In some cases in which you have reported that recreation ground was not required on account of the paucity of the population, would you, in making that statement, have reference only to the population in the parish, or should you extend your view wider than the limits of the parish?—I should certainly go wider, because the Act of Parliament directs that ground to be set out, not only for the parish, but for the inhabitants of the district, although the population of

of the parish determines the amount of ground to be set out, I have considered that those persons who are outside the parish are equally entitled to the allotment, if there is sufficient population to render it desirable to set it out.

570. Is it within your inquiry, to consider to what extent the waste lands to be inclosed are used at present by the public for the purposes of recreation?—I invariably do so.

571. Should you take into consideration the advantages which railways afford in bringing persons residing at some distance to these inclosed lands?—I think not; I do not know that I have ever done so, excepting in the inclosures near London, and I do not see any case where it would be necessary to consider that point; a very large number of the inclosures are now in rural districts, and they relate to lands which in former times would not have paid the expenses of inclosing; a great many inclosures in Wales, and in Shropshire, and in the north, are waste lands of thousands of acres, with a very scanty population.

572. In determining whether recreation ground is necessary or not, you would consider the population which is likely to use that recreation ground?—Yes.

573. Should you think yourself shut out from considering that population who reside at a distance, which, by the road, would be too great for them to use the recreation ground, although they might very conveniently resort there by means of a railway?—I remember one case, especially, at Cowbridge, where I set out an allotment, because I was informed that people came from Cowbridge to play there, and a fair allotment was set out. In the case of one of the parishes, which includes a common comprised in the last Report, namely, in the parish of Hunston, there was another common inclosed in the same parish, four miles from Chichester, and there I specially inquired whether any persons came from the town. I examined the mayor of Chichester, and he informed me that the people of Chichester were never known to come to that common. I inquired specially, because it was near a large city, and I reported to the Commissioners to that effect.

574. In construing the term "labouring poor," as used in the Act, do you consider that it is restricted to those persons who labour in agriculture, or that it applies to those who earn their livelihood by other sorts of labour?—I make no distinction; small shopkeepers are oftentimes objects of greater charity than labourers, and I make no distinction whatever.

575. Will you state how you proceed after you have made your investigation; do you then report to the Commissioners in detail the facts and circumstances which have led you to make the recommendations which you send up to them?—Yes; I report to the Commissioners on all the points mentioned in the form; I inquire whether the statements in answer to the questions in the form are correct, and I report *seriatim* on all the points, and I then state the reasons why I consider the inclosure expedient.

576. Will you state what the division of responsibility between yourself and the Commissioners is as to those details; would the Commissioners feel themselves obliged to exercise their own opinion as to the correctness of your recommendations with regard to these two particular clauses which we are speaking of, namely, the recreation ground and the allotment gardens?—Most certainly they would; there have been cases in which I have been led to consider, for the reasons which I have stated, that no allotments should be set out, and the Commissioners have overruled my report, and have directed allotments to be set out.

577. The Commissioners, I suppose, have some means of ascertaining the facts of the case, independently of what you report to them?—They may have a different opinion as to the user which has taken place, and may decide differently as to an allotment for recreation, on account of its being near or far from the village.

578. Did you report upon all the cases which are appended to the Inclosure Commissioners Report of this year?—Not on all; I reported upon all but two, I think.

579. Did you report upon Wisley Common?—I did.

580. Will you state to the Committee the particulars upon which you framed that report with regard to the matters now under discussion in this Committee: I observe that, in the Report of the Inclosure Commissioners, they say that "the parish of Wisley is very thinly populated, and the cottages lie dispersed; each of them has a garden annexed to it, and an allotment for the labouring poor has therefore not been required"?—Yes.

581. Will you state, a little more in detail, the grounds upon which you made the recommendation which is embodied in this report?—First of all, the common is not suited for garden allotments; I have no doubt that a few acres have, from time to time been broken up and cultivated, but it is not suited, and would never be cultivated for gardens; all the cottages were represented to me to have ample gardens; there are very few cottages in the parish, and there are other allotments lying just outside the parish, if the cottagers ever wish to resort to them.

582. How did you ascertain that the cottagers did not require allotments: it has appeared, since that report was made, that some of the cottagers living in Wisley, who were supposed by you not to require an allotment in this inclosed land, were actually at that time paying rent for allotments in the neighbouring parish?—Yes.

583. If that fact had been brought before your notice, should you not have modified your report, and suggested that allotments should be provided for them out of the inclosed lands?—I might possibly have done so, but of course it would depend upon a variety of circumstances; I might have done so if that fact had been brought to my knowledge, but it was not; I only ascertained it from the Report of the Committee of the House of Commons upon Wisley Common. Only three persons attended the meeting, and the fact was not brought to my knowledge.

584. It appears that at Wisley very little attention was drawn in the neighbourhood to the fact that any inclosure was contemplated; are you aware of any reason why they were not as much aware of the fact at Wisley as in other cases?—No; not a word was said at the meeting with regard to any public rights, and I was certainly very much surprised when I saw the report which alleged that public rights existed upon the common, no mention of it being made to me; I believe that there is not a common which we have inclosed in the neighbourhood of any village which has not been ridden over as much as Wisley.

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585. Have you any doubt that the land of Wisley Common, if cultivated by spade husbandry, would be profitable for a labouring man to use as a garden?—I think not; I do not think that any labouring man would take any part of it unless it was brought into tillage for him, and broken up and levelled; it is a rough piece of land.

586. The report states that it might be profitably converted into arable cultivation?—Yes; I have had to deal with thousands of acres which undoubtedly will be cultivated, and some have been cultivated, but they are wholly unfit for gardens.

587. Has it been found that that is not a soil which, when cultivated by the spade, with a sufficient amount of manure which a labouring man might be able to provide, might be brought into profitable cultivation as a garden?—In time it might be brought into profitable cultivation, but it takes a long time to do it.

588. In the case of Wisley, did you recommend any ground to be set apart for recreation?—Yes.

589. How much?—Two acres.

590. In determining upon the amount of recreation ground required, had you merely reference to the number of persons who now use it as a place of recreation, since that number is stated to be very considerable?—I only take into consideration those who, for the time being, use the ground.

591. There might be two ways of considering whether recreation ground would be required: one would be to look at the population living in the parish, and the other would be to what extent the common is at the present moment practically used for recreation ground?—Yes.

592. I suppose that you do not take the latter point into consideration?—No.

593. Should you consider that that was beyond your province as acting under this Act of Parliament?—I certainly think so. I presume that you are now alluding to what may be called the public rights over it?

594. Yes?—I think that I should not have taken that into consideration, unless there had been a public right which was recognised.

595. When you determine that recreation ground is not required for the public (I am not now speaking of any rights of common which are not contemplated under this provision), ought not you to have some consideration for the fact that the public are at the present moment using the waste land to a very large extent as a place of recreation, and that the inclosure deprives them of the enjoyment which they are now possessing?—I think that is a fact rather for Parliament to determine, inasmuch as the Act requires Parliament to consider the expediency of all the inclosures. Every single inclosure must now be made a subject of reference to Parliament, and they must decide whether or not any inclosure ought to be exempted from the Act. I have always considered that it is for Parliament to say whether or not there are those general public rights; in fact, we cannot recognise them as legal rights, because I believe that, in point of law, they are mere trespasses, and it has been so decided by every tribunal.

596. In considering, first, whether any recreation ground would be required, and, secondly, the extent of it, you would not think that you ought to take into view people who came from a distance to enjoy the recreation, without claiming any special legal right over the ground beyond what they might have by user?—I think not. There have been very few cases of that sort; Chigwell was one place where we set out the largest amount which the law gave us power to set out; it was stated that many people came there on Sundays and on holidays.

597. Do you think that it would be desirable, in order to meet cases of that sort, that the Act of Parliament should be altered so as to allow a larger maximum than 10 acres to be employed for recreation ground?—I think that that might be done with advantage, because there are frequently tracts of land which I could set out entire if the Act of Parliament gave me power to do so; but the Act, under the sliding scale, limits us to a certain extent. If I can do so I generally get the parties, after the Act has sanctioned the inclosure, to propose a resolution at some meeting to extend the area where there has been a sufficient user of it to justify a larger allotment than the Act gives.

598. You consider that cases where lands are inclosed in the neighbourhood of large towns might practically be put upon a different footing in regard to the recreation ground than those where there is no great population?—I think so. I think that it would be very desirable to get as large an extent of land as possible for exercise and recreation in the vicinity of every town or large village.

599. Will you go through the list of places which are appended to the last Annual Report of the Commissioners, and state whether there is any information which you would like to bring before the Committee with reference to them; the explanations in the report are given in very vague and general terms, and perhaps you might like to state specifically some of the details?—The first inclosure is Skyborah Hill in the parish of Llanvair, Waterdine. I find there are only seven or eight cottages near the hill, and they are all scattered, no two are near one another; the bulk of the cottages in the parish lie three or four miles from the hill. All the land has been inclosed up to the base of the hill, and from that point the hill rises like the roof of a house, and extends back for nearly half-a-mile. No person would ever be found to take manure up there; any person who cultivated an allotment there must ascend the steep hill and take manure up. I do not think that it is possible to take it up.

600. Mr. *Fawcett.*] Is it not stated that a portion of this land which you propose to inclose is adapted for agriculture, namely, about half of what you say that you cannot get manure into: I understand you to say, that this land is so steep that it is of no use to appropriate any of it to allotments, because, owing to its steepness, you could not get manure to it, but you state that one-half of it is adapted to agriculture; is land adapted to agriculture which cannot be manured?—That is quite true. The upper part of it could all be cultivated, and there are tracts of land lying on the same high elevation which I observed had been cultivated. It would be cultivated with turnips and oats, and a part of it would be converted into sheep pasture. The whole of it is table land. I went over it from beginning to end.

601. Colonel *Barttelot.*] How far is this land from the cottages?—From half-a-mile to three-quarters of a mile; a few cottages lie at the base of

of the hill, and the cottagers would have to take the manure up half-a-mile. The village is situate three or four miles from the hill; it is one of those wild open tracts which no doubt would have been inclosed before if the land had been sufficiently good.

602. Mr. *Liddell.*] In your opinion would this table land be at too great a distance from these cottages to be practically available, or useful to the occupants?—The table land at the top would not be available for the cottagers, but people taking it as a farm would very likely carry manure up and plough the land; in fact, they have already done so in the neighbourhood close by this very hill.

603. *Chairman.*] The next case in the Report of the Commissioners is Shrewsbury Castle Common? — Yes; that borders on Exmoor. There are only three or four cottages in the parish, each of which has a garden. There are two farm-houses; but there are no other cottages nearer than the village, and they are nearly three miles off, so that the cottagers there would have to take this wild tract of land, and to take manure three miles.

604. When you say that the cottages are provided with gardens, do you take any means of ascertaining the size of those gardens, because gardens are often small and men are pleased to have allotments in addition to those gardens?—They vary; they very seldom exceed 10 to 12 poles, except a few.

605. Mr. *Fawcett.*] With regard to Skyborah Hill, you would bring a considerable tract of land under cultivation, namely about 230 acres; you state that half the amount could be converted into arable cultivation?—Yes, that was the estimate given by the people who attended the meeting.

606. The additional land brought into cultivation would require labourers to till it?—Undoubtedly.

607. Is it therefore not quite possible that more cottages may be built in the neighbourhood of the hill?—I should never for one moment entertain the principle of cottages being built without gardens. If cottages were to be built for the cultivation of the land, they would be built by the persons who wanted to use the labourers for the cultivation of the land. If we were to set out allotments for those cottages we should be fostering the very evil which every person is now trying to prevent, namely, the evil of having cottages built without land.

608. What rule do you lay down with regard to the amount of garden which you consider is sufficient, so that a labourer should not require an allotment?—Of course a good deal must depend upon the size of the common, and the quantity which ought to be taken from the common. As a rule, I have always inquired how many cottages there are in the parish without gardens, or with insufficient gardens, and I have always endeavoured to set out as allotments sufficient to provide for all those purposes.

609. Can you state positively that those seven or eight cottages in the neighbourhood of Skyborah Hill are so provided with gardens that they do not want allotments?—I saw most of the cottages; I cannot say that they had very large gardens, but I should say that they had sufficient gardens. They had from 15 to 20 poles, and some of them had more; I should have set out no allotments for these cottages.

610. Does not a labourer, if he has a garden of only 15 poles, consider that an allotment is a great boon to him?—Undoubtedly a labourer considers an allotment a great boon, if it is sufficiently near and under certain conditions, but there are certain conditions under which an allotment is of no use to a labourer.

611. Mr. *Liddell.*] Would not a very material consideration be that of accessibility to the allotment ground from the cottage?—Yes.

612. Is not easy access a condition which you consider a very important one in assigning these allotments?—Certainly; I think that, without free access, and without the garden being within a certain distance, it is of no use whatever.

613. I take the question of distance, and the question of access separately, because the allotment may be within a reasonable distance, but the access may be so difficult, as to render it almost impossible for the man to avail himself of it?—There must be a convenient access; for instance, if he has to carry the manure up hill to land on a high elevation, and as he has for various purposes to go up the hill, he would not use an allotment there.

614. When I find with reference to Skyborah Hill, that the great steepness of the hill side is alleged as a reason for not assigning those allotments, I apprehend that that explains your objection?—Undoubtedly.

615. Would it be the case, that the expense of constructing paths for the conveyance of manure and for the purposes of access, would be beyond the means of the labourer?—Yes, and there is no power in the Act of Parliament to lay out any money for that purpose.

616. Mr. *Walsh.*] In those hill districts, is it not the invariable method of a farmer in manuring them, to manure them by folding sheep upon the top of them?—That is one mode of cultivation.

617. Therefore, land which was held by a man who had a flock of sheep, might be suitable for agricultural purposes, which would be unsuitable for allotments if a man had to move up his manure, would it not?—Undoubtedly; and that observation applies to a very large extent of land which is now being inclosed; in fact, almost all the tracts of good land were inclosed before our Act came into operation; that is to say, all that would pay the expenses of a private inclosure Act, and you are now dealing, for the most part, with waste lands.

618. *Chairman.*] In Fairbourn Heath, in the parish of Harrietsham, it is stated, that "owing to the distance of the heath from the village, no allotments for either exercise and recreation, or for labouring poor, have been set out"; it is also stated that "the soil of the heath is sufficiently good for arable cultivation"; have you any reason to suppose that that soil would not in itself be adapted for spade cultivation?—I think that if that land were broken up and levelled, and brought into some state of cultivation previously cottagers might use it, but it is one of the roughest pieces of land which I ever saw; it is covered all over with brushwood and stumps of trees, and it has been dug out for gravel in places.

619. Mr. *Martin.*] Have all those cottages large gardens to them?—They all have gardens; the cottages between the village and Fairbourn Heath, all have gardens.

620. According to my recollection, they have largeish gardens?—Yes.

621. *Chairman.*]

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621. *Chairman.*] Supposing that this land is brought into cultivation for farming purposes as you suppose, do you see any probability of new cottages being built in that neighbourhood to supply accommodation for the labour which would be wanted either there or in the neighbourhood?—Certainly not; the land is only 39 acres.

622. Mr. *Fawcett.*] You describe the land as being extremely rough; cannot land which is extremely rough be better put under spade cultivation than under the plough?—The Act of Parliament gives no power of levelling garden allotments, and I am perfectly satisfied that no cottager would ever take that land as it now exists; he must prepare it for a year or two before it could be brought into cultivation for gardens.

623. Did you take the opinion of any practical man in the neighbourhood upon the subject?—I have no doubt that I asked the people who were present at the meeting whether or not such land could be brought into cultivation, but I am bound to inspect it myself.

624. Mr. *Martin.*] Is not that land employed for the production of very large hop-poles?—Yes.

625. Mr. *Knatchbull-Hugessen.*] Is it not the case with regard to many of these smaller inclosures, that the neighbourhood desires the inclosure of these smaller commons, because they are principally used as a refuge for tramps?—That is so.

626. *Chairman.*] With regard to Withypool Common, the report states that it contains about 1,904 acres, and that "nearly the whole of this large tract of land could, after inclosure, be profitably converted to arable cultivation;" what provision was made in that provisional order for exercise and recreation ground, and for allotments for the labouring poor?—One acre was set out for exercise and recreation, and five acres for the labouring poor.

627. Did you determine upon that amount of one acre upon a review of the existing population in the immediate neighbourhood of Withypool Common?—Yes, it is a very scanty population indeed, and they have never resorted to the common for exercise and recreation; it is an exceedingly wild tract; it slopes up from the village and any allotments set out for exercise and recreation must be set out on a steep hill; there was a small quantity at the foot of the hill, and it was considered that one acre for the school children would be ample; there are other commons where they can rove about.

628. Are there any considerable number of persons living in the vicinity of the common?—There are not; if you wish it, I can read a letter which I received the other day from the rector of the parish; it is from the Reverend Joseph Jekyll; he says, "I think the land given to the occupiers by the lord of the manor for the benefit of the poor is two acres." That was an allotment previously given by the lord of the manor for the benefit of the poor; he goes on to say, "I wished it to be allotted to the deserving poor under certain rules, but was out-voted by the niggardly farmers; it is let to the highest bidder at an enormous rent, and the money is applied to the rates; no gentleman or landowner lives in the parish, and the occupiers are of the lowest and poorest sort; the majority of the labourers are freebooters, living entirely on plunder; I am very glad to find that the common is to be inclosed; it will be a work of time to eradicate the evil induced by it; for the last half century every one has grazed the common and erected huts, and inclosed small plots, without let or hindrance; predatory habits have been induced which will take a generation to eradicate; I think the five acres quite sufficient for the population, which is just about 300; if any more be required, it would be one acre of the deep black ground for cutting their turf; they have been in the habit, from time immemorial, of cutting or paring the spine, and selling the ashes; no recreation ground is required in this wild country."

629. Have you any reason to anticipate that there will be any increase of population after the inclosure of that common?—The cultivation of the land may induce persons to come to the parish.

630. Would it not be well to look prospectively to that state of things, and to provide for the alteration which may occur when this common is under cultivation, rather than to look to the habits of the existing people?—It may be so in some cases, but I confess that I have not taken that matter into consideration; I consider that the Act of Parliament does not enable us to look prospectively to the making provision for future generations.

631. Mr. *Knatchbull-Hugessen.*] You say that the one acre allotted in this common was especially for the school children?—Yes.

632. Do you think that one acre is a sufficient space for a game of cricket, or for any of those games which are pursued?—It is only for quite small children; there are very few cottages in the parish.

633. Mr. *Fawcett.*] You recollect visiting Withypool?—Yes; well.

634. Did you take any evidence from the labouring poor there, as to their wishes on the subject?—I am not aware that any evidence was given by the labouring poor.

635. Should you be surprised to hear that I received three letters from Withypool, expressing great discontent with the amount allotted for allotments, and also the small quantity reserved for recreation ground?—I confess that I should not be surprised to hear it, for they are a very curious set there. Many of these people, when you speak of allotments, understand that they are to have the allotments set out in perpetuity; many of them are under the impression that these allotments are to be set out for them, and the letter of the rector, Mr. Jekyll, states what these gentlemen are in the habit of doing, they are encroachers and they have taken land, and have squatted down there, and they hold these allotments in defiance of the Commissioners.

636. Have I been correctly informed that the village is close to the common?—Yes.

637. Have I also been correctly informed that friendly societies are in the habit of meeting on particular days in the year on the common, and that they would consider it a great hardship to be deprived of that open ground?—I am not aware that that information is correct; I have heard nothing about it.

638. You have stated that two acres have been already reserved, and that the rector complains that that land, owing to what he describes as the niggardliness of the farmers, is let at a most enormous amount?—Yes.

639. Does not that prove that there is a great demand for village allotments?—I have no doubt that

that the inhabitants would cultivate many of these allotments but I consider that five acres would give 40 allotments, which are far more than the present number of cottages, or than the future cottages would be likely to use.

640. You speak of the allotments being the eighth of an acre each?—I thought that the Honourable Member was speaking of cottage gardens. The two acres to which the rector alludes are two acres held for cultivation as gardens.

641. I was not speaking of recreation ground, but of allotments; you say that these five acres reserved for allotments would supply 40 allotments; how many allotments do you contemplate that that will be divided into?—There would be 20 allotments at a quarter of an acre, or 40 allotments at 20 poles each; that would be quite sufficient.

642. That is one-eighth of an acre; do you think that an allotment of one-eighth of an acre is sufficient?—I believe that in nine cases out of 10 it would be sufficient. A cottager can farm a quarter of an acre under certain circumstances. If you lay a quarter of an acre to his cottage he will use it to a certain extent for vegetables; he will plant part of it with gooseberries, but will very seldom plant the whole with potatoes or other vegetables, unless he has a market for them in the neighbourhood.

643. Are you aware that the assistant-commissioners who were appointed to inquire into the question of agriculture, expressed an entirely different opinion from one-eighth of an acre being sufficient?—I have read their report with a great deal of care and attention. I have made inquiries of every person to whom I could refer who had any knowledge on the matter; I have referred to parish officers; I have referred to farmers; and I have referred to the labourers themselves; and I have made special inquiries as to what has been done where allotments have been set out: and the conclusion at which I have arrived is, that one-eighth of an acre, namely, 20 poles, is as much as a labouring man can do justice to. An acre would give eight allotments of 20 poles each, and five times eight would be 40 allotments; that would be far more than Withypool would cultivate.

644. With regard to the recreation ground, you contemplate no provision whatever as a recreation ground for the more adult part of the population; you reserve this acre as a recreation ground for children; you do not contemplate making any provision for the lads?—No; I have referred to all the parties there, and I have never found that at Withypool any of the parties have resorted to the land for exercise and recreation.

645. You have not contemplated the case of their using it for purposes of cricket, and things like that?—No: people could not play at cricket there; it is on a hill, and they could not do so unless they went to the very top of the hill; the land slopes down to the river.

646. You have described some ground as being flat near the river?—There is a small portion lying just on the bank of the river, where I have set out ground for exercise and recreation.

647. Do you say that the only ground near the village which is flat is one acre?—Where the five acres are set out it is not so steep; there is an incline; but the mountain slopes down to the village.

648. The point to which I wish to go is this; you state, as it appears to me, two different reasons for not recommending a recreation ground; first, you state that it is not wanted; and, secondly, that there is no ground that is suitable; am I to understand that both those reasons influenced you?—I think so.

649. Am I to understand that there is only one acre in this place which is sufficiently flat?—There may be a little more or less; there is a very small quantity situate just on the edge of the river.

650. You state in your report, that almost the whole of this land might be brought under cultivation?—Yes; for various purposes, sheep-walks and arable cultivation.

651. Would you suppose that, if you inclosed the land, it would change the habits of the population, and that instead of having a roaming population, you would have a settled population there?—You might get a larger population there in consequence of the cultivation; but I understand that a great part of this land will be held as sheep-walk.

652. You have not contemplated making any sort of provision for the new population?—Certainly not.

653. Who will obtain possession of that land; will any of it be the rector's glebe?—I think that I can inform the Honourable Member upon that point; I am not aware that the rector would receive anything.

654. You are not aware either one way or the other?—With regard to the right over Withypool Common, the evidence given before me was, that every landowner in the parish had turned on cattle at all time within the memory of man, and that the manor was co-extensive with the parish; I find that the Reverend Joseph Jekyll owns the tythes, but I cannot find his name as the owner of any glebe, or of any land in the parish, and I therefore assume that he has no interest.

655. Colonel *Barttelot.*] Do you know the acreage of this parish?—I do not.

656. Do the 1,904 acres which are to be inclosed form a great portion of the parish, or only a small portion of it?—I find that the columns in this document which I produce giving the extent, are not added up; I have them all here; the rateable value of the parish is 1,693 *l.*; 136 acres are rated at 126 *l.*; 83 acres are rated at 65 *l.*, and 84 acres are rated at 70 *l.*; it is not 1 *l.* an acre.

657. Taking it in rough terms, I suppose that the parish may be 2,000 acres more than what is going to be inclosed?—Yes.

658. What is the population of the parish?—Three hundred and seven. The rector says about 300, and I believe that there are not above eight or nine cottages in the parish.

659. Will this land, supposing it to be inclosed, be principally broken up, or will it be used as sheep pasture?—Parts of it will undoubtedly be broken up.

660. Will half of it be broken up?—That I cannot undertake to say. The evidence before me was that all could be broken up. I dare say that the land having a southern aspect will be broken up immediately, but that the land having a northern aspect, and lying at the top, will most likely be used for sheep pasture.

661. Supposing this land to be inclosed, do you think that the population, which you speak of as a loose population, who live by taking their neighbours' goods, would remove from that place

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or not?—I think that many of them would remain; they are what we call squatters.

662. Supposing that they remained there, would not their great object be to get as large an allotment as possible, so that they might cultivate the allotment, and not do ordinary labourers' work: I am speaking of this population which you say is of a peculiar character; would not their great object be to get as large an allotment as possible, so that they might cultivate the allotment themselves, without doing the ordinary labour of a common man?—I think that they would hardly obtain control of sufficient land through the medium of the garden allotments to keep them.

663. I quite understand what Mr. Fawcett has stated, namely, that he has received letters from these parties, and I want to know whether the object of these men was not to get as large allotments as possible, because they thought that they might cultivate them themselves?—Many of them may have done so.

664. They thought that they should get those allotments in perpetuity?—I have no doubt of it. Notice was given of the meeting. It so happened that there was a disputed question of manor, and the matter was thoroughly ventilated. There were one or two meetings previously. I held two meetings, and am satisfied that everybody in the parish had notice; a great many attended and I have a list of their names; I inquired especially whether there was a necessity for setting out a larger allotment for exercise and recreation. An assistant commissioner had previously set out two acres, and they said, "One acre will be sufficient for exercise and recreation, and we will have five acres for gardens." No recreation ground was set out except this one acre for children.

665. Mr. *Knatchbull-Hugessen.*] With regard to the clergyman who writes in such laudatory terms of his parishioners, was he present at your meeting?—He was certainly present at one meeting.

666. Did he fight the battle of the poor, as you have told us that incumbents generally do?—He was certainly for an allotment being set out. He was present at one of the meetings, and I know perfectly well that he advocated an allotment being set out for the poor.

667. And he is satisfied with the amount which you allotted?—Yes.

668. Mr. *Liddell.*] You stated just now, I think, that the inhabitants of Withypool had from time immemorial been in the habit of paring the surface, and burning it, and selling it for ashes?—I read that from the rector's letter.

669. If that immemorial usage had been the practice for ages, would it not absolutely constitute a legal right to the surface, which could be maintained in a court of law?—I think that that would be a question of some difficulty to answer. If they pared the surface for a legitimate object, namely, for fuel, it would be a legal right; but no person has a right to dig and injure the soil, and to take it away and sell it. What the rector states would not be a legal right, because they have taken the surface, not for the purposes of fuel, but for the purpose of converting it into ashes and selling it for manure.

670. But would not the possession, undisturbed for ages, of that *quasi* right, be quite sufficient to explain that a certain number of these poor people feel very much aggrieved that that right has not been so far recognised as at least to assign to them, in the division of the common, certain portions in the shape of allotment ground?—The rights of common, or the rights of the character to which the Honourable Member is now referring, are not rights for which any compensation is made at the preliminary stage of the inclosure. The allotments for the labouring poor, and for exercise and recreation, are not allotments in compensation of rights. The rights of common, or any benefit arising from the common, will be a subject for consideration at a future stage, and it will be for these parties, if the inclosures proceed, to put in their claims to those rights, and they will have to be considered.

671. You spoke of there having been a lawless population, and that they had encroached to a certain extent upon this common, and that they had become squatters: how many years undisturbed possession gives a squatter a title?—Twenty years; he then has a title against all the world.

672. Then I apprehend that these people had not fulfilled that condition, and had not acquired that right?—I do not know that; the valuer goes into that point subsequently; we are not empowered to go into it.

673. Colonel *Barttelot.*] Supposing that a man came and stole this ground in order to make it into ashes, he not having any right at all upon the common, that would give him no right there?—Certainly not; in order to get a right of fuel, he must have a house; fuel is appendant or appurtenant to a house; the mere fact of a man, who has no cottage, going on the common to pare the turf or ashes, would of course give him no right.

674. Supposing that a man who pared for ashes was resident in a cottage which would get an allotment, that allotment would be given as a matter of course?—Undoubtedly, if he established a legal right.

675½ Mr. *Leveson Gower.*] Would you have given a larger recreation ground if more suitable ground had been at your disposal?—I very much doubt whether larger allotments would have been given; it is the wildest possible land; the people have never resorted to the common for exercise and recreation. There is uninclosed ground close by.

676. The insufficiency of suitable ground was not the reason why you did not give a larger amount of recreation ground?—No, it was principally because it would not be used.

677. Mr. *Knight.*] There are two separate manors, one to the south, the other to the north, each having a large quantity of waste ground, which of those are you inclosing?—Both; I think that the wastes are under the same manor. There was a dispute; a gentleman there claimed to be the owner of another manor.

678. It is a wild district round Exmore?—It adjoins Exmore on one side.

679. How many thousand acres have been inclosed under the Inclosure Act: I think that 18 different commons have been inclosed within my recollection; are you aware of the fact that almost invariably in hilly parishes the population has decreased between the census of 1841 and the census of 1861?—I am not aware of the fact, but I have heard generally that the population about there has decreased.

680. So that the inclosure of those commons has not increased the population, but has decreased it?—I am not sufficiently conversant with the

the facts to be able to give an opinion upon the point.

681. Mr. *Martin.*] You said that these people expected the allotments to be set out in perpetuity; would they not be set out in perpetuity? —No, they would be set out, and placed under the control of the allotment wardens.

682. Do you mean that the person who first got them thought that they would hold them for ever?—Yes, without paying any rent; that is the general idea there.

683. Mr. *Fawcett.*] You have stated that the parishioners of Withypool have been in the habit of cutting fuel on the common; when a common is inclosed, will there be any provision for fuel? —Of course, the cottagers who have cut fuel, and who have established their right, will have an allotment set out with respect to that fuel right.

684. As far as I understand you, supposing that this common was not inclosed, all the present and future inhabitants of Withypool would have a right to cut fuel? — No, I beg the Honourable Member's pardon; I have never stated that, or suggested it for a moment.

685. To whom is the right of fuel confined?— The right of fuel would be confined to the owners of houses and cottages who had a right to cut fuel.

686. At the present moment, have all the cottagers in the place the right to cut fuel?—I should think most decidedly not, for this reason, that I believe the larger number of cottages have been built within the memory of man, say, within the last 30 years, and, of course, they can acquire no right by user for that time.

687. When will Parliament have an opportunity of expressing its opinion as to whether or not sufficient land has been reserved for the rights of fuel; because, in this Bill, we have no means of knowing how much land you will reserve; will Parliament, or not, have the power of exercising any opinion in that respect?—I should say, that under the Act, Parliament has no power of doing so.

688. Under the Act of Parliament, Parliament has no power to interfere except as to whether the land shall be inclosed, and as to the quantity of land which is set out for allotments and recreation grounds?—The only allotments which we are directed to set out when the inclosure commences are the allotments for exercise and recreation, and for the labouring poor; the other allotments for fuel are allotments for common rights, which receive compensation in land.

689. And, under the present proceeding, that never comes under the cognisance of Parliament? —I do not remember such a case, and I cannot imagine that such a case could ever come before Parliament.

690. Parliament has no power to express an opinion as to whether or not the common rights have been properly provided for; according to the present Act of Parliament, in your opinion, Parliament has no control over the provisions which are made for those common rights? — Parliament has no control over the provisions which are made for those common rights; that rests entirely with the Commissioners; a final meeting called, the appeal meeting is held, and any party who wishes to do so appears there and makes objection to his allotment on the ground of its insufficiency, or that it is in a wrong position; that is the time for determining whether proper allotments, for rights of common, have been set out, and it is then for the Commissioners to take the matter into consideration, and they may direct further allotments to be set out, or not, for the rights of common.

691. Mr. *Peek.*] Are you aware that in the case of Wisley Common, which is one of the commons scheduled to the Inclosure Bill of this year, evidence has been given before a Parliamentary Committee that nothing was known of the inclosure in the neigbourhood except by the persons immediately interested, until the Bill itself was before Parliament?—I can only speak to what took place at the meeting which I held, and not a word was there said about any public rights over the common, or as to the user by the public.

692. I will repeat my question. Are you aware that in the case of Wisley Common, which is one of the commons scheduled to the Inclosure Bill of this year, evidence has been given before a Parliamentary Committee that nothing was known of the inclosure in the neighbourhood except by the persons immediately interested, until the Bill itself was before Parliament?—I only know what is stated in the report. I knew nothing about it at the time; not a word was said about it.

693. Wisley Church, it is stated in the same evidence, "is little more than a barn, with a turret to it, situate in a farm-yard, and is frequented only by a few cottagers who are resident in the neighbourhood": if this be so, do not you think that notice of your meeting should have been posted in other places besides on the church door? — Of course the Commissioners knew nothing whatever of any public rights over the common; they could only proceed in the manner prescribed by the Act of Parliament; there is a clause in the Act of Parliament specially directing them what notices they are to give, and they have not only given all the notices required by the Act, but have gone far beyond it. In most inclosures, as I have stated, the directions which have been given by the Commissioners have been to post the notice upon any place of worship in the parish.

694. But this is an important common, and, as I understand it, the notice should have been posted in other places besides on the church door, upon which only it was posted: if the Act of Parliament says that means should be taken for making it known, it is quite clear that sufficient means were not taken? — The assistant commissioner has nothing whatever to do with the notices. I only state what I find to be the case when I go down to hold the meetings. In almost every case I find that the notices go far beyond the requirements of the Act of Parliament.

695. Mr. *Fawcett.*] What induced you not to reserve any ground as allotments in the case of Wisley?—Because "the parish is very thinly populated and the cottages lie dispersed; each of them has a garden annexed to it; and an allotment for the labouring poor has, therefore, not been required": those are my reasons.

696. You state, in the reasons which are presented to Parliament nothing about the unsuitableness of the land?—I think not.

697. When you state that the cottages have gardens, must not Parliament draw from that the conclusion that the labourers do not require allotments; you state distinctly that they do not?

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—It would depend upon the quantity of land which they have.

698. In this case, do you not state distinctly that the labourers living in Wisley do not require allotments?—Undoubtedly.

699. Are you aware that the labourers themselves in Wisley thought that they required allotments so much, that they went to a neighbouring parish for them?—No evidence of that sort was produced before me.

700. If you had asked any one of these labourers in Wisley, would you not have been informed of that fact?—I have stated that only three persons attended the meeting, namely, the agent for the lord, and two other persons.

701. In this case, although so very few persons attended the meeting, you did not take pains to ascertain the facts themselves, but you obtained them from the persons who attended the meeting?—Undoubtedly, I got all the evidence that I could.

702. Are you aware that the Committee which sat upon Wisley Common unanimously agreed that 10 acres should be reserved as allotments?—That is for cottage gardens; that is done under an independent jurisdiction.

703. Are you aware that the Committee unanimously agreed that 10 acres ought to be reserved as allotments for cottage gardens?—I have no doubt that that is so.

704. And you decided that none should be reserved for allotments for cottage gardens?—Ten acres would give 40 allotments of a quarter of an acre each, being about double the number of cottages in the parish, or more.

705. The Committee unanimously recommended a reservation of 10 acres for allotments, and the Commissioners recommended the reservation of none; is not that statement correct?—Certainly; that appears by their report, and by the Report of the Committee of the House of Commons.

706. Mr. *Liddell.*] You told us that Wisley Common was unfit for gardens; do you mean that it is unfit for gardens because the cost of cultivating it would be beyond the reach of a labourer?—The cost of labour would be beyond the means of a poor man.

707. Should I be correct, or anything near correct, in saying that the market price of land, such as Wisley Common, might be taken at something like 10 *l.* per acre, but that the cost of its cultivation would be 25 *l.* per acre?—I could not undertake to say what the cost of cultivation would be. I should think that 10 *l.* might be the market value of the common.

708. And you could not state, from your own knowledge, what would be the cost per acre of bringing it into cultivation?—I could not.

709. Sir *Michael Hicks Beach.*] As to the recreation ground, which was recommended by the Committee who sat on Wisley Common, to be reserved, are you aware that the Committee recommended the reservation of a recreation ground of six acres?—Yes.

710. Would it have been in the power of the Inclosure Commissioners, under the present law, to have given as much ground as six acres in that case?—They had no power to do it; they are limited by the scale of population.

711. What would be the maximum which they could have given?—Four acres.

712. Therefore, to that extent, the recommendation of that Committee points to an alteration in the present law, and not to any fault of the Inclosure Commissioners?—Precisely so.

713. Is that the fact also with respect to allotments for labouring poor in the case of Wisley Common?—The Committee recommended 10 acres.

714. Had you power to set out as much as that?—Yes; the power is unlimited with regard to land for cottage gardens, but not as to recreation ground.

715. Mr. *Pease.*] Have you ascertained how many cottages occupied by the labouring poor there are in Wisley?—I do not think that that appears in my report; the report states, that it is very thinly populated, and that the cottages lie dispersed; there is no village, and every cottage has a garden.

716. Do you say that there are not 40 cottages?—The population is only 166; I suppose that there are not above seven or eight cottages in the parish.

717. *Chairman.*] With regard to Saxlingham Common, I find that only one acre was reserved for allotments for the labouring poor; will you state the grounds upon which you came to the conclusion that that was the right extent of land to allot?—There are only four cottages near the common without sufficient gardens; the bulk of the cottages lie a mile and a-half from the common.

718. When you say "a sufficient garden," what do you wish us to understand by that phrase?—I have considered that about 20 poles is a sufficient garden; about the eighth of an acre.

719. Did you ascertain that the gardens were of that extent?—I saw every garden; I remember them perfectly, because I had to walk by the cottages to the village; I cannot remember the exact extent, but I have no doubt that there was sufficient.

720. Had you in view that this acre would be divided among labourers who were not in possession of gardens, or that it would be added to the gardens of those who had gardens?—My view was, that it would be divided among those who had not gardens; there were only four cottages near the common without sufficient gardens.

721. Mr. *Knight.*] Do those cottages belong to the poor, or to the adjoining proprietors?—I cannot answer that question.

722. Mr. *Fawcett.*] As I understand you, you reserved this one acre for four cottages, which were without sufficient gardens?—Yes.

723. Then you allotted to each of these cottages, which you say had not sufficient gardens, a quarter of an acre?—There is an opportunity for them to have a quarter of an acre each.

724. But you say that the cottages which had sufficient gardens had not more than the eighth of an acre?—About that.

725. How do you reconcile the statement, that in the case of a garden an eighth of an acre is sufficient, so as not to want an allotment, with the fact of your allotting a quarter of an acre to a house without a sufficient garden?—I have no doubt that some of the cottagers who have gardens would be glad to take a portion in addition; the Act of Parliament mentions a quarter of an acre as the maximum of allotment, and in this case, I set out the maximum.

726. You stated that the cottages which had sufficient gardens had about 20 poles, did you not?—

not?—That is my impression; I cannot pretend to say what is the exact quantity; those gardens, I presume, had 20 poles, and in this case, I set out sufficient to give the applicants a quarter of an acre each, that being the maximum allowed by the Act of Parliament.

727. *Chairman.*] Will you turn to the case of Lightwood Green, and tell us what has been the reservation in that case?—I had nothing to do with that inclosure.

728. Then there is a case of Kirton Marsh; will you state, in greater detail than is given in the report, the reasons for which no allotment for exercise and recreation ground, or for the labouring poor, has been set out in that case: it is stated generally in the report, that it being marsh land, you did not consider that in the present state of the ground, that marsh land could either be satisfactorily cultivated with the spade, or used for recreation; but had you any reference to what the land would become after it had been drained and embanked, and brought into use for agricultural purposes?—If the land is embanked, as doubtless it will be, it will be valuable and perfectly fitted for garden purposes; my sole reason for not setting out land there for exercise and recreation, or for the labouring poor, is, that the village is situated about two miles and a-half from the marsh, and that the few cottages which are near to it are provided with garden ground.

729. Mr. *Knatchbull-Hugessen.*] Who will pay for that embankment?—The landowners; most likely a portion of the land will be sold for the payment of the expenses. It will be extremely valuable land. I believe that at present every tide flows over it.

730. *Chairman.*] Then am I to understand that the reason why you thought that no allotments were necessary for these purposes, was the deficiency of population, and not the quality of the ground?—I certainly considered the quality of ground; it will not be suitable for some years to come, unless it is embanked off.

731. Did you ascertain the extent of ground which was attached to those cottages?—I saw the gardens. There are only three or four cottages near to the marsh, and they are all provided with garden ground.

732. I presume that it was not a part of your proceedings to inquire whether it was probable that cottages would hereafter be built in consequence of the reclaiming of this marsh?—Certainly not. I assume that persons who want cottages for the cultivation of the land would be the persons to whom allotments are made; they will have land allotted to them sufficient, not only for building cottages, but also for laying out gardens adjoining their cottages.

733. But you did not contemplate the possibility of these persons erecting cottages without any garden grounds, and that opportunities should be afforded to them of getting allotments?—Certainly not; I think that that would be most mischievous.

734. Mr. *Knatchbull-Hugessen.*] A considerable sum would be required in order to bring this land into a proper state of cultivation, would it not?—A large sum.

735. That sum would be found by the landowners, and the persons who had benefitted by the inclosure?—Yes.

736. Do you not think that if more labour was required these landowners would bring that labour to the land?—No doubt, labour would be brought to the land; but I think that in this, and in almost every parish, the surplus labour in the parish would be quite sufficient for the cultivation of this land.

737. Do you think that if it was found that additional labourers were required, in such a case as this the landowners would show any indisposition to bring that labour to the land?—No.

738. Do you think that the labour which is required for the land would be brought there in a proper proportion, better by leaving the discretion in the hands of the landowners who had employed their capital and brought the land into a proper state of cultivation, or by giving power to some extraneous body, or some parochial authorities, to bring such labourers as they might think it right to bring?—The labour ought to be provided, and it doubtless would be provided, by the landowners who had allotments, and they would make ample provision for their comforts, including gardens.

739. Do you not think that any landowner who understands his business recognises the desirability of bringing the necessary labourers as near as possible to his land which is to be cultivated?—Undoubtedly.

740. Supposing that an allotment was given with regard to a prospective population in the case of Kirton Marsh, in what way do you think that it would facilitate the bringing of labour on the land; how do you think that the labourers could be brought upon that land through that allotment; what would be the process?—I can hardly imagine that any labourers would be brought there, except by the landowners; the landowners themselves ought to, and probably would, build cottages for their labourers on or adjoining the land.

741. Do you think that the allotment wardens would be likely to bring upon Kirton Marsh any number of additional labourers?—I think not.

742. Would they be deterred by the fear of increasing the rates, and so on?—I think not.

743. If it is desirable to provide for any prospective population in such a case as Kirton Marsh, do you see any manner in which you can better do it than by trusting to the necessity which the landowners would feel for bringing that population there, if their wants required it?—Certainly not; perhaps I may be allowed to make one observation, with regard to prospective allotments being set out, which may or may not be ever used as gardens. The Act of Parliament makes no provision for utilising such an allotment until the contingency arises which will bring the gardens into existence. The Act of Parliament empowers the allotment wardens to let the land in pieces not exceeding a quarter of an acre; it also directs that all the allotments shall be let as gardens. The consequence is, that if you are making provision for future generations (I am, of course, assuming that the present generation is amply provided for), if you allot a large piece of land, as is the case in Wisley, without making a provision for utilising it in the meantime, it will become a nuisance rather than a benefit. There are not labourers in the parish who will take it under the Act of Parliament, because the allotment wardens have no power to let it in pieces exceeding a quarter of an acre, and they are bound to let it as gardens, and you will, therefore, have many acres of gardens lying idle

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and waste. I have written to several gentlemen indiscriminately who I know are interested in the matter, and I have eight or 10 letters stating the result of their knowledge as to allotments already set out. Many of the allotments have never been used for gardens; they have been let to farmers, and have been used for other purposes.

744. Mr. *Liddell.*] With reference strictly to Kirton Marsh, apart from the question of the distance of two and a-half miles from any cottage, are not the present circumstances of Kirton Marsh such as absolutely to preclude you, the assistant commissioner, from assigning allotments; inasmuch as to render the land available for cultivation a preliminary expenditure in the shape of an embankment is absolutely necessary?—I do not think that I should take that into account. I should assume that the embankment would operate for the benefit of all parties, both those having private and those having public allotments.

745. From what source is the capital to be derived to make that embankment; as I have understood from you, there is no power in the allottees to advance money for purposes of that kind?—That is so, but the embankment would run round the whole common seaward, and if an allotment were to be set out for cottage gardens, of course they would have the benefit of the embankment without contributing in any way to the expense.

746. Would not that allotment be absolutely useless without the embankment?—It could not be used, because the tidal water, I believe, flows over the land at every tide.

747. Then you must look to some other persons providing the money than the allottees?—Yes, but those other persons provide the land for the allotment. I think that it is intended that the land for the benefit of the poor should be set out at the expense of the common. Those persons get the benefit of the Act of Parliament for a trifle, namely, for 20 *l.*, instead of having to incur the expenses of a private Act of Parliament; and therefore, it would be quite fair for them to contribute, not only the land, but something beyond.

748. Mr. *Johnston.*] The value of the allotments would be large?—Yes.

749. And the rent-charge would go into the pockets of the allottees of the common?—The rent-charge would go in part into the pockets of the allottees in part compensation for their allotments, and the residue is paid over to the poor's rates.

750. Colonel *Barttelot.*] Is not it very important that this inclosure should take place as soon as possible?—I have understood so.

751. Supposing that no decision is come to for some time with regard to Kirton Marsh; no inclosure can take place in this year, and it must be thrown over until another year?—It would depend upon whether Parliament passes another Bill. The Commissioners are bound to report in January, upon which report a Bill is brought in; in fact, this Bill which is now suspended; and then the Commissioners have power to report again at any time during the Session.

752. But unless this marsh is inclosed from the sea it can be of no use, except for the feeding of sheep?—None whatever.

753. *Chairman.*] From your experience does it occur to you that the time has come for making any amendments in the Inclosure Act: in the first place, do you think that it would be possible to make any change with regard to the rent-charge which is imposed upon the ground reserved for the cultivation of the labouring poor?—I do not think that there is any sufficient reason for altering it; I thought so at first, in talking the matter over with the Commissioners, but I now think, that as the rent-charge is so small, that it is hardly necessary to alter it.

754. Do you find in practice that too large a rent is required by the churchwardens and minister from the labourers who cultivate their allotments?—I do not find it so by experience; the Act of Parliament provides for that matter, because it directs that there shall be a revision of valuation in, I think, every 10 years. I have never found any complaint in that respect.

755. Mr. *Martin.*] Are you acquainted with the cases of Ashwell, Meppershall, and Stotfold; the last witness told us that they charged double the rate, and I asked whether it was not done in defiance of the law under sect. 109, and I wish to ask you whether that is common?—I have no knowledge of that matter.

756. *Chairman.*] Do you know whether the churchwardens generally attend at the meetings in the case of those allotments, and whether it is habitual for the provisions of the Act to be adopted, which empower the election of two ratepayers to act in conjunction with the churchwarden and the ministers?—I am unable to give any information as to the working and management of the allotments; it does not come under my jurisdiction; it is only by accident that I hear of it; but I have written to four or five valuers, who are men of experience, to know what is the real state of the allotments where they have acted as valuers, and whether those allotments have been properly managed; I have their letters, and it is shown that in many cases there has been gross neglect, and that the allotments have been let to farmers instead of to labourers, and that some of the people turn their donkeys on.

757. Have you reason to believe that those were cases where there were no labouring poor desiring to avail themselves of allotments, or that they were merely cases in which slackness existed with regard to those persons who had the management of the allotments?—There are numbers of allotments which I have set out, in which I was persuaded in my own mind that there was little probability of their being used; they were sufficiently near for the labouring poor to take them, but they have not taken them. In one case good land has been set out close to the village, six or seven years, but has never been touched up to this time.

758. Then it would appear from that practice, that in cases where, from any causes, the labouring poor do not avail themselves of the ground set apart for their use, that ground is used for other purposes, and still obtains the rent which is paid to the parochial authorities?—Not always; in several cases no rent is paid, so that the allottee does not get his rent-charge.

759. Those would be cases where the churchwarden and the minister neglected the duty imposed upon them by the Act of Parliament?—Yes, and where the poor do not take the allotments.

760. I gather from what you have said, that it is not your opinion that the maximum quantity of a quarter of an acre prescribed by the Act, should

should be enlarged?—I think that that is more than sufficient; a quarter of an acre might undoubtedly be made available for many cottagers near a town, but I am perfectly satisfied that there is not one case in 50 where a cottager can use a quarter of an acre with advantage.

761. In your experience, have you not found that in allotment gardens, which are set apart for persons who are residing in villages or towns, half-an-acre is frequently cultivated with great advantage to a man, or a family, who have that amount?—I certainly have not found that to be so; I have a letter as to the adjoining parish to that in which I live, in Sussex; there was a large allotment of garden ground by a brother-in-law of mine; the parish is a poor parish, and he let the allotments out in quarters of acres. I wrote the other day to the rector of the parish, to make inquiries as to how the labourers and the poor men used them, and this is the answer which I received; it is addressed to myself by a nephew of mine, "On the allotment question, I have been able to get the opinions of Mr. Taylor, my landlord, whom I hold to be a man of remarkably sound judgment, of Mr. J. Barrow, who is looked upon as our oracle in most things, and who was, I think, for a time your tenant at Bardown, and of Mr. H. Barton's bailiff; these I may suppose represent the farmers' view of the case. To-night also, being the monthly meeting night of our benefit club, I took the opportunity of getting the opinions of the labouring men, who were present in considerable numbers. There seems a remarkable agreement on both sides, that given average land, at a distance say of half-a-mile from the village, the eighth part of an acre is more likely to answer a labouring man's purpose than a quarter of an acre. The arguments in behalf of the smaller quantity, were the obvious ones of the less difficulty in getting manure, and the less physical wear and tear in labour; the allotments in the Windmill Field were a quarter of an acre each, but as a proof that they were not the more valued on that score, not a few of the tenants sublet their cants, retaining only half the fourth for themselves. One or two who argued for the quarter of an acre said, that when they sowed half the ground with corn, their doing so gave them an advantage in a better succession of crops, but this benefit seemed to be outweighed by the labour difficulty. Quality of soil appeared to be the great point, and next to that nearness to the village. If the land is at all poorer than average land, quantity seemed to be voted a very doubtful blessing, and one of the best cultivators said that he was sure that he had taken more out of himself in keeping his allotment up to the mark than ever did him any real good. All were agreed that allotments, say of one-eighth of an acre with reasonably good soil, and near the village, are a very great boon to labouring men; but, except under such conditions, the opinion of their advantage was a very qualified one. Much of the rent of my uncle's allotments was given back in prizes, and all the tenants who paid their rent had each year a good dinner; so that in our parish there was an inducement to people to seek for allotments, which might weaken the evidence of the fact that the quarter of an acre cants in the Windmill Field, distant nearly three-quarters of a mile from the village, were, as a rule, always sought for; and, as the choice was also between a quarter of an acre and nothing, many, no doubt, took the quarter of an acre who would nevertheless have preferred the one-eighth of an acre. The rent was 10*s.* for the quarter of an acre in the Windmill Field, and is also 10*s.* for the one-eighth of an acre in the Wheelers Field, where the land is good and close to the village, being at the rate of 2*l.* an acre in the one case, and 4*l.* an acre in the other."

762. Colonel *Barttelot.*] Those allotments were private allotments belonging to one owner?—Yes.

763. *Chairman.*] Are you aware whether or not the labourers there spoken of were all employed in farming operations?—Not all.

764. Do you think that some of them followed a sedentary pursuit during the day?—The reason why allotments of a quarer of an acre were given was, that there was a large number of people unemployed. The allotments were set out in or about the year 1830; the parish was a very poor parish; the poor's rates were very high. In the year 1816 they were 1*l.* 6*s.* in the pound. These allotments were set out in order to keep as many people employed as could be, but the result was that many of them could not cultivate the whole of their allotments, and sublet parts.

765. Is it the habit in that part of the country for cottages to be provided with pigsties, from which manure can be obtained?—Almost invariably.

766. I have understood you to say, that you are not aware of any instances where so large an allotment as half-an-acre has been advantageously cultivated?—I would not say that; I think that if you set out a quarter of an acre immediately adjoining the cottage, the man will use it to advantage; he will plant gooseberry and currant trees there; but except in the vicinity of a large town, where there is an opportunity of selling his vegetables, I do not think that he will cultivate more than an eighth of an acre with vegetables; and one-eighth of an acre, if well cropped, will provide quite sufficient vegetables for the family.

767. Are you not aware of a larger portion than a quarter of an acre being allotted?—Certainly not; I know of no such case.

768. Do you think that it would be desirable that the Commissioners should have more authority to control the use of this garden ground after the inclosure has been completed?—I think it would be very desirable that additional power should be given; it is rather a difficult question; one would not like to see land lying entirely idle and waste; but I am afraid that if you give the allotment-wardens power to use it for any other purpose except as garden ground, it would be considered as a dedication in perpetuity for that purpose, which would prevent its being again turned into garden ground.

769. Are you aware whether the Commissioners have frequently made the regulations which they are empowered by the Act to make for the guidance of the minister and churchwardens?—I have no knowledge whatever of that; that would not fall within my department.

770. From what you know of those parochial bodies, does it seem to you that they would be likely to observe regulations which were made for their guidance, as to which, at the same time, there is no penalty to be enforced for the breach of them?—I am afraid not; as a rule, I do not think that the farmers very much like these allotments; I may state, that, taking the 12 applications which are included in this report, upon the usual

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usual question, whether any allotment should be set out for exercise or recreation for the labouring poor, there is not one case in which it is proposed that there should be any such allotment; that is always a battle which I have to fight.

771. From what class of persons does that opinion come?—It comes from the landowners and the parishioners. For instance, I will take Wisley Common; Lord Lovelace, Mr. Charles Buxton, and Mr. Locke King did not propose any allotment for the labouring poor. The question is, "Is it proposed that any, and, if any, what, allotment should be made for the labouring poor"? and the answer is, "No." Then, as regards Kirton Marsh, the question is, "Is it proposed that any, and, if any, what, allotment should be made for exercise and recreation"? and the answer is, "It lies quite out of the way for any such purpose." Then, as regards any allotment for the labouring poor, the answer is, "The population is too far distant for such objects." Throughout the whole of these inclosures there is not a single case in which the applicants propose to make any allotments for cottages.

772. Extending your memory over a wide field, should you say that generally you find that the parties who are inclosing these commons are not alive to the advantages of giving allotment ground for the labouring poor?—I think I may state, as a rule, that the parties applying, who are generally the landowners, do not propose allotments for such a purpose.

773. Does that observation apply also to the recreation ground?—It applies to both. When I speak of allotting the farmers come and tell me that the poor have had no rights over the common, and therefore should have no allotments.

774. Do you think that there is a prejudice among the farming class against the allotments, even when they are not connected with waste lands?—Certainly, in a great many instances. They come before me, and state that the poor do not want these allotments, and they state reasons.

775. Do these reasons apply to the benefit of the labourer himself, or do they refer to some other consideration?—The farmers object to the labourers having allotments for various reasons; many of them imagine that the labourer expends his time and trouble upon the allotments, instead of doing his regular work.

776. They are afraid that he will not reserve his leisure hours for the allotment, but will devote his other time to it?—Many of them have that impression. As a general rule, farmers do not readily assent to the allotment of gardens, or to an allotment for exercise and recreation.

777. Have you found it to be a very general feeling among the labourers themselves that these allotment gardens are a great benefit to them?—Certainly, with certain qualifications. I have spoken to hundreds of poor people, and there is but one answer, namely, they wish to know if the land is sufficiently near, and sufficiently good. I have written to several people, and that is the answer from them all without any qualification. It would be a great boon if some exchange could be effected; but I think that it would be difficult to make any provision for it. I have asked the question over and over again, until I am tired of asking it, viz., whether the parties will consent to an exchange for land of sufficient value nearer to the village; but they will not do it in one case in a hundred.

778. If it is left optional, you do not consider that any advantage will arise?—Just so.

779. When you speak of the distance at which an allotment has been reserved, will you state your general idea of the distance which would be too great from the residence?—That would depend very much upon the means of access. The allotments to which I have just referred lie upon a road, and the village lies upon either side of the road, about three-quarters of a mile off; there is no difficulty there in finding tenants. But I should think that a mile would be the outside. Many of the labouring poor have told me that they would not go beyond a mile; and even to go a mile, it is a long distance.

780. Do you think that it would be possible for information to be obtained, and given to Parliament, showing the results of the provisions of this Act of Parliament, with reference to the allotments for the labouring poor and the recreation grounds?—It certainly might be possible to get information as to the expediency of setting out prospective allotments, but I am perfectly satisfied that, without some provision as to these allotments in the meantime, it would be mischievous. If those allotments are not let for garden grounds they become waste.

781. Do you think that it would be easy to give information as to the state of these allotment grounds, which have been set apart?—Yes, the parishes have records, and it would merely be to send down a formal letter every year, directing the churchwardens to give information upon the point.

782. So that the Commissioners would have no difficulty in obtaining accurate information upon that point?—I think not.

783. Mr. *Knatchbull-Hugessen.*] Is not the real measure of value of an allotment to a labourer, its proximity to his dwelling, and the possibility of his employing thereon what I may call the surplus labour of himself and his family?—Without those conditions an allotment is useless.

784. When you go down to these meetings of inquiry, do you generally find a desire on the part of the neighbourhood that the inclosure should be made?—I think so.

785. Do you think that the present means of giving notice to the public is sufficient?—I think so. I can devise no other means, because you do not know *à priori* who the parties are. The Act of Parliament directs that a notice shall be inserted in the newspapers which are circulated in the neighbourhood.

786. Do you think that a notice of 14 days is long enough?—I think that that time might be extended; it is rather short.

787. You say that the labouring poor do not much attend the meetings?—They do not.

788. At what time are your meetings held?—At the usual hour; 11 in the morning.

789. Is it not almost impossible for a labouring man to attend at 11 o'clock in the morning?—Large numbers of the labouring men are, of course, thereby precluded from attending, but as to large commons, where there has been much agitation, I have known every labouring man come.

790. Would you not be far more likely to secure the attendance of the labouring poor, and therefore to ascertain their wishes, if the meetings

ings were held after their work was finished?—Undoubtedly, but it would not be so convenient to the assistant commissioner; sometimes we should have a difficulty in getting back at night.

791. Do you never hear of objections being made after these meetings which are held by the assistant commissioner?—Yes; memorials have been sent up by parties, but they are, in the majority of cases, by mere cottagers, who have no interest themselves.

792. Have you never heard it suggested that there was no person to express an opinion on the part of the labourers against the inclosure?—No, I never heard that.

793. Is it your opinion that the lords of manors are generally opposed to these allotments?—No, I think that the lords of manors are generally favourable to them.

794. The opposition would come more from the smaller farmers than from the great landowners?—Yes; the lord of the manor gets one-sixteenth, and a commoner will get double or treble what he has enjoyed out of the common.

795. Then, in fact, those allotments which have been given in past years have been rather in consequence of the action of the Commissioners supported by the lords, as against the smaller class of occupiers?—As regards those inclosures in which I have been concerned it has been one perpetual battle; I have had to fight the farmers in numbers of cases, and I have ordered allotments to be set out, and in many cases I have said, "If you do not consent to these allotments, I am satisfied that the Commissioners will not sanction the inclosure."

796. Do you agree with the statement, which has been made at various times, that the population living on and around commons before they are inclosed is generally of an inferior character?—Yes, I have myself observed that, and I have heard it from every quarter; I think that there can be no doubt of it.

797. Then you think that the inclosure of commons tends to the improvement of the population?—Certainly.

798. I asked you a question just now about Kirton Marsh, which I will a little amplify; do you think that it would be wise to fetter the discretion of the Commissioners as to these allotments in any future legislation?—I think not.

799. If that discretion was to be fettered, and if it was enacted that a certain specified amount of land, in proportion to the size of the common, should in all cases be set out for these allotments, would not there be great local inconvenience and many local complaints?—Undoubtedly. I think that it would be a most prejudicial enactment.

800. With regard to Kirton Marsh, in that particular case, would it not be an unfortunate thing if, irrespectively of all other considerations, the Commissioners were bound to set out a large allotment for the labouring poor?—I think that it would be very undesirable.

801. Would it bring, for the purposes of cultivation, the labouring poor in the proportion in which they might be wanted?—I think not.

802. Is it not very certain that, if there was a real want of labouring poor in any such inclosure, those persons whose capital carried out the inclosure would, for their own interest, bring the labouring poor there?—That is the view which I have always entertained upon the subject; namely, that those parties who have the benefit of the allotments would, and ought to build cottages for the poor who would be engaged in the cultivation.

803. If the question of bringing a future population upon such a marsh land was left to an extraneous authority, that is to say an authority totally apart from those persons who would be applying for the inclosure, might not it have the effect of deterring those persons from proceeding with such improvements as would be greatly advantageous to the community?—I think that that would be very likely to be the case.

804. Do you suggest any amendment upon this point in the Inclosure Act as at present existing?—I think that it is very desirable to give a power, for instance, to clear ground set out for cottage gardens. I am perfectly satisfied that, in many cases, the poor will not take the gardens in consequence of the expense of bringing them into cultivation. For instance, take such a place as Fairbourn Heath; it is a miserable rough piece of land, full of bushes; no poor man would think of taking it in its present state.

805. Do you think that it would be desirable, in such a case, to give the power to sell a portion of the common for the purpose of employing the proceeds in such a clearance?—I think that you might make that a part of the general expenses of the inclosure, and then it would be at the option of the parties whether they would pay by a rate or sell the land for the purpose. If it was made a part of the general expense, it would follow the same rule as the other expenses of the inclosure.

806. When you go down to these meetings, you have stated (as is the case) that you represent the public?—Yes.

807. You have to see that the dealing is fair between the lord and the other commoners, and between the lord and the commoners and the public?—Undoubtedly.

808. Can you suggest any means by which the public could be further protected than they are under the present law?—No, I can offer no suggestion whatever. The question of the lord's interest is one which has been well ascertained for a long series of years; the lord receives the usual proportion, and, as regards the commoners, it is a question of right; they may put in their claims, and have them heard, and they have the power to have them determined by a court of law, if they think it necessary. As to the public, I think that these allotments are all that can be reasonably set out for the purpose. There are many cases, in the proximity of large towns, where it might be desirable to make larger allotments than the 30th section of the Act permits, and in a number of cases which I can mention, larger allotments have been set out. For instance, in the inclosure of one common 50 acres have been set out. In the town of Nantwich the whole has been set out as a park. At Petersfield Mr. Bonham-Carter and Lord Hylton have very kindly set out a large extent as a park.

809. Might not the cases to which you allude, with regard to commons in the proximity of towns, be dealt with by an extension of the existing law, which already deals separately with commons within a certain distance of populous places?—I think so.

810. Do you know many instances in which

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allotments have been granted, and complaints have been made afterwards, that they were unnecessary?—No, I should scarcely hear of them, except by accident; the moment that the award is completed, the duties of the assistant commissioner are at an end, as regards that inclosure.

811. With regard to the recreation ground; do you think that the powers which are given to you under the 25th clause are sufficient?—I think it very desirable that the Commissioners should have power to set out a larger quantity of land.

812. You think that the public rights are undefined?—Yes.

813. To what extent would you wish to carry allotments for recreation purposes?—I do not see any objection to having them unlimited in the same way as allotment gardens; my chief objection to the present system is, that sometimes there are spaces of land, the whole of which should be dedicated to exercise or recreation; it sometimes happens that we have only power to set out a small portion at the time, and we have to take the chance of parties consenting or not to a further allotment of it; I think that it might be desirable to set out any quantity.

814. Would you advise an unlimited right of setting out allotments for recreation, without the payment of any rent whatever?—That is a question which I have never considered; there is power under the Act of Parliament to set out the ground to an individual, subject to the right of its being used; he then takes the herbage in part compensation of his allotment; if it is set out to the churchwardens and overseers they may let it, and apply the rents in aid of the highway rates.

815. With regard to the undefined rights of the public, after you have dealt with these allotments as respects persons who have common rights, do you recognise the undefined rights of the public in any way, excepting as regards the allotments for recreation, and for the labouring poor?—There may be public rights, such as the right of holding a fair, or the right of holding a market, and rights of that sort; perhaps they are not actually legal rights; but in those cases we recognise them; and in some cases I believe that allotments have been set out subject to the right of holding a fair.

816. Supposing that a large number of persons, whom I call for convenience the public, have been in the habit of riding or walking, or holding picnics on the common, do you recognise that in any way?—Certainly not; of course I act upon what I consider to be the law on the subject. There are one or two cases which have been lately decided, and which I can produce, upon that very point.

817. In your opinion is any alteration of the law desirable, by which such rights, which, though undefined, are practically recognised, could be compensated in any manner?—I cannot imagine how they could be compensated.

818. Excepting by setting out a large quantity of land for recreation?—But that would not satisfy the gentlemen who have been accustomed to ride across the common; I see that in the Wisley report spaces for riding have been set out.

819. I refer not only to riding, but to walking, and holding pic-nics, because the two latter classes of persons would not necessarily be of the same description as those who would ride?—If you were to recognise those rights, and to provide for them, you must leave open the whole common.

820. Is your view of a common that it is exactly the same, divisible between different landowners, as inclosed land, except that in the one case there is a fence, and that in the other case there is no fence?—Precisely.

821. Then, in all your dealings with these inclosures, as an assistant commissioner, you practically exclude the public rights altogether?—Not exactly so, because if we find a public right, for instance, a right of way, of course a way is set out under the inclosure, but it is confined to tracks and a certain width, instead of roving over the whole common.

822. What is your interpretation of the word "neighbourhood," with regard to the allotments for exercise and recreation?—It is impossible to define it except to say, "The portions of land which lie in the immediate vicinity," but it is impossible to lay down any radius within which you would give a definition to the term "neighbourhood."

823. Might not that which would be a perfect allotment for recreation for a very small area, be very inadequate if you considered the wants of the neighbourhood, taking as the neighbourhood a very much larger area?—No doubt; many such cases might arise.

824. Do you think that in such cases the Commissioners should have unlimited power to allot larger spaces for recreation?—Yes, to deduct so much from the common, without having rent for it, after deducting the one-sixteenth for the lord.

825. A large portion of the common remains for the rights of turbary, and of pasture belonging to the estates?—Yes, whatever rights the parties may possess.

826. Therefore there is always a large portion of land with which you might deal if your powers were amplified?—Undoubtedly, without in the slightest degree abridging the rights of the commoners.

827. There are certain rights which you take to be rights of property?—Yes.

828. You would satisfy those rights in every case; and in the application of your power, you would only deal with what you had power to deal with after the rights of property had been satisfied?—Under the present system of allotments, the rights of property exhaust the whole common. After setting out the public allotments, and a certain proportion to the lord, that which is thus allotted among the commoners is frequently twice as much as they have enjoyed; for instance, land may be worth 30*l.* or 40*l.*, to sell which, when sold, would give more than 1*l.* an acre per annum, but which has never produced more than 5*s.* or 6*s.* an acre per annum as common; and the moment the commoners get into possession of their allotments, they can sell them, and they have often realised three or four times as much as they have previously enjoyed.

829. Putting aside the lord, the commoners, and the local public, have you any doubt that the value of the inclosure to the country *quâ* productiveness is very much larger than it would be if the land remained uninclosed?—That certainly is so as a rule. There may be downs which cannot be broken up, but, with the exception of those very few cases, there is no doubt that the inclosure of a common develops its value; I can mention one case, namely, that of Chigwell, where I am satisfied that the land is worth, in

parts

parts, 40 *l.*, 60 *l.*, or even 100 *l.* an acre, and where the value of the herbage has previously never been worth more than 1 *s.* 6 *d.* an acre, that land is now worth, to sell, 40 *l.* or 60 *l.* an acre; you could clear it for very nearly the profit of the wood, and then it would be worth a very large sum of money; that is in Hainault Forest.

830. Sir *Michael Hicks Beach.*] You have given one answer which you perhaps might qualify; I understood you to say that you did not recognise the rights of the public in making these inclosures?—When I spoke of the rights of the public, I understood those rights of the public which are undefined, or the exercise of certain privileges which have never been obstructed; for instance, the right of roving and riding over the common; we have never recognised those rights, except in a certain beaten track.

831. But so far as the rights of the public may be interpreted to mean the rights of the labouring poor, or the rights of the neighbourhood to recreation, you have recognised them?—Yes; our attention is specially directed by the Act to the recognition of those rights; we make no compensation for the public rights of roving or playing upon the common; that is where the public pass over without obstruction.

832. I understood you to say that you would like to see the power of providing recreation ground practically unlimited?—I think that there would be no objection to it; I do not at present see any objection to it.

833. But of course it would require some further provision than now exists as to appropriating the rents arising from such recreation ground?—The number of cases would probably be small; there would probably be a very few acres more set out than are now set out; it might be worth while to let that ground, subject to a rent, in the same way as the other ground now awarded for the purpose.

834. It seems to me that, at present, the only way of appropriating the rents of recreation ground is in fencing, levelling, or maintaining such recreation ground?—And if there is any surplus, handing it over to the surveyors of highways.

835. With regard to the allotments for the labouring poor, you have stated that you consider one-eighth of an acre, as a rule, sufficient?—Yes.

836. And therefore a quarter of an acre might be taken as the extreme limit?—Yes; there seems to be no disagreement upon that point, namely, that a quarter of an acre, under any circumstances, is as much as a man can cultivate.

837. Is it not only provided in the Act that such land must be used for gardens, but it is definitely provided that no dwellings shall be erected upon it?—Yes.

838. And also that it is only a parishioner who can occupy it?—Yes.

839. In a very small parish like the parish of Wisley, which you have stated to contain only 23 or 24 houses of the labouring poor, I suppose that an average which would give a quarter of an acre to each of those houses, would be considered amply sufficient for the purpose of allotments?—I should say so.

840. In fact anything beyond six acres in that case; would be practically wasted?—I think so, and there is no power to take care of the allotments in the meantime until new cottages are built.

841. Is that the principle upon which you have always gone?—Certainly.

842. Therefore, supposing the recommendation of the Select Committee to be adopted, and 10 acres to be given in the place of six, the remaining four acres in the case of Wisley could not be utilised under the present law?—They could not; they would be wasted; there is no power to let the land except for gardens.

843. Of course if the population increased, that land might be utilised?—Undoubtedly.

844. In the cases which have come before you, have you considered the possibility of an increase in the population?—No; except in certain exceptional cases, such as the case of finding minerals, the rural population has stood still; and in many cases it has decreased.

845. In your opinion there is no necessity for making provision for an increase of population?—No.

846. Did you hear Mr. Bailey Denton's evidence?—No; I was in the room, but I did not catch all that he said.

847. Did you hear him express the opinion that these allotments should be let at a certain rate which would provide for taking more land, and that aged persons should have the ground at a cheaper rate than able-bodied persons would have it at?—I think that there is great objection to that; it would be letting the land much higher than the farming value of the land.

848. Has it come under your observation that the land has been let at a greater rate than the farming value of it?—Yes, on some occasions. I remember setting out garden allotments where I found private allotments, with the rents unreasonably high. In one of the early cases the parties protested against setting out allotments, on the ground that the farmers let the labourers have a considerable quantity of land for that purpose, but I found that they let it at the rate of 8 *l.* or 10 *l.* per acre.

849. What increase of per-centage upon the farming value of the land do you think that a poor man could afford to pay for an allotment, taking the farming value of the land at 20 *s.* an acre?—I think that 4 *l.* an acre would be the outside. I have known land readily taken at that price.

850. You have spoken of cases where, in your opinion, the rent of private allotments was high; what, in your opinion, would be the proper amount of increased rent on the farming value for such land to be let at?—It is to be let free of rates and taxes, and there would be an addition to cover that. I should say that there might be an increase of about 50 or 75 per cent. Supposing that land is worth 1 *l.* an acre, in many cases they charge a rent of 30 *s.*, which is 50 per cent.

851. Have you formed any definite opinion upon the matter?—No, I have never gone into it; that does not fall within my department; it is done by the valuer after I have done with my part of the inclosure.

852. You, as assistant commissioner, do not lay down rules?—No; we have nothing whatever to do with that.

853. Referring to the view of Mr. Bailey Denton, I take it that you do not concur with it?—No, I think that it would be objectionable. I have never considered the case, but, *primâ facie*, I should

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I should say that there is a great objection to it.

854. Mr. *Liddell.*] May we not fairly classify the rights attaching to these commons under three main heads, namely, rights appendant, rights appurtenant, and rights in gross?—Those rights exist.

855. Are not those rights maintainable in any court of law?—Yes.

856. Are there any other rights which you would respect, in deciding upon a question of inclosure apart from those, and arising from use and long custom?—Yes, there are other rights; there is the right to take clay for instance. A person may have exercised for a long time the right to take a limited amount of clay for making bricks, and also the right to take gravel.

857. If that right was a right appurtenant, it would attach to a person in the neighbourhood, whose holding touched the common?—I can imagine that the lord might make a grant to any person to take a limited quantity of clay, for instance, supposing that he was not infringing upon the rights of the commoners, it would of course limit the quantity which he might take; I have found one or two cases where a person, by grant or by prescription, has taken so many loads of clay a year from the common.

858. In setting out allotments for the labouring poor, should you consider, that if a man had that right of taking clay, it would constitute an undisputed claim on his part to have an allotment set out for him, in compensation for that right?—Undoubtedly, if he had that right, and established it by user; there are many cases of that sort which have been established in law.

859. I presume that these are the points which come before you in your preliminary inquiry?—No; but when the inclosure has been sanctioned, and the valuer has been appointed, he gives notice to all persons to put in their claims, and then is the time for every person having the right of common of pasture, or common of turbary, or any other right, to put in his claim; and if it is not objected to, it is as a matter of course allowed; but if it is objected to, the valuer is assisted by an assessor to determine that claim.

860. Then are these points which do not come before you?—They come before me if I am appointed as assessor; parties put in their claims, and if they are not objected to, the valuer merely allows the claims, and then allotments are awarded upon that basis; if the claims are objected to, a day is fixed for hearing the claims, and the valuer may determine the case himself; but in most cases he applies to the Commissioners to send down an assistant commissioner, as assessor, and therefore these claims come before me in numerous cases, in my capacity as assessor.

861. You have told us, that when you go for the first time to inspect a common, you inspect the parish; whom do you usually get to accompany you on those occasions?—The Commissioners generally write to the gentlemen who have been in communication with them with reference to the inclosure, asking them to appoint somebody to accompany me round.

862. A person with a thorough local knowledge?—Yes; the overseer, or some person who is thoroughly acquainted with the matter.

863. You have stated that you take particular care to inquire into the number of cottages and gardens, and so forth?—Yes.

864. Is that in company with this person?—No; I do not wish you to understand that; I frequently arrive at it from the information of other parties. Sometimes the parish extends for several miles.

865. Then you are obliged to trust to hearsay evidence?—If the matter is inquired into in the parish, in a room where many people attend, there is never any difficulty in getting information; I do not think that I was ever deceived upon any one occasion.

866. If very few persons attend, the difficulty of obtaining accurate information becomes very great?—The rate book, and the parish map are present; that is by the order of the Commissioners; and I can always get information as to the character of the occupiers, viz., whether they are shopkeepers or not.

867. As a rule, what persons attend the preliminary inquiry?—I generally have a list made; a considerable number of the parishioners generally attend, the agent of the lord of the manor frequently attends, and the landlords or their agents attend, and also the farmers, though they have no interest.

868. Do the ministers of religion attend?—Yes, sometimes; it is a public meeting, there is no objection to any person attending.

869. Or to any person putting in a claim?—Any person may come.

870. So that if any claim is ignored or passed over, which ought to be attended to, it is, in fact, the fault of the people of the locality in not bringing it to your notice?—Is the Honourable Member referring to public claims or private claims?

871. I am now speaking of public claims; the claims of the poor?—I always inquire whether there are any public rights existing over the land.

872. I want to get at the machinery by which the claims of the poor themselves are brought before you at your preliminary meeting of inquiry?—I always make inquiry as to the rights with reference to the allotment of ground for exercise and recreation, and gardens, and I can always get information from the parties as to the distance from the common, and so forth; those are the only rights which the poor have, except the cottagers, who have private rights of allotments.

873. The law says that in all cases of the inclosure of a common, a certain portion shall be set apart for the labouring poor; and I wish to ascertain how, as a rule, the rights of the labouring poor are brought before you at the preliminary inquiry?—The only way in which they are brought before me is, that I go through all these questions; and upon the question whether it is proposed that any allotments shall be set out for the labouring poor, or for exercise and recreation, I hear what the people have to say, and I then inquire whether there is any necessity for them, and whether there is a probability of the parties using the land if it is set out, and what the population is, and what the state of the population is, whether they are miners, or whether they are employed in agriculture; and I inquire into every circumstance which can enable me to form a judgment as to the necessity of setting out any allotments for the poor. In many instances some person in the parish takes up the case of the poor, and appears at the meeting, and urges that there

there should be a larger allotment for them, but that is only occasionally.

874. Does not the nature of the labour in which a poor man is engaged make a very great difference in the value of an allotment to him?—There is no doubt about it.

875. For instance, a shoemaker would value an allotment much more than an ordinary agricultural labourer?—A shoemaker or a small tailor would do so. I never make any distinction in the case of labouring poor of that class, or even small shopkeepers.

876. Would not that make a great difference in your mind as to the quantity which you would allot; you have said that an allotment, to be valuable, ought not to exceed the eighth of an acre?—It would not make much difference, because there are only one or two shoemakers or tailors in the parish; that is rather a question for the allotment wardens.

877. You have said that farmers do not like these allotments, and that they look upon them as a question of compensation for rights, rather than as a source of public benefit; are not the farmers all over the country, as a rule, the guardians of the poor?—Yes.

878. Do not they appear to understand that the difference of possessing an allotment, or not, may be the difference between a man being upon the rates or not?—They ought to do so, and I have no doubt that many of them do so; there are, of course, many exceptions, but from my experience the farmers, as a rule, have not been advocates of allotments; in the last 12 reports they have not, in any one case, proposed any allotment.

879. I presume that you have put that point to the farmers?—Yes.

880. Has not that been found to have an effect in removing their objections?—Of course the best way in which I can put it to them is, that they are not giving away the land, but merely allowing the poor to have the use and occupation of it, they paying the rent back; that is for cottage gardens.

881. With regard to the approaches to allotments, have the allotment wardens any power at present to spend money, or to raise money for the purpose of making those approaches?—No; but still it would be the duty of the valuer to take care that proper approaches should be made.

882. The cost of constructing such approaches, I suppose, would be thrown upon the allottees?—Upon the inclosure generally; it would be a part of the inclosure expenses; the valuer should take care of that, and if, when I hold an appeal meeting, any complaint is made that a direction is not given to make approaches, I direct approaches to be made.

883. A share of such an expenditure, I presume, would be subsequently taken out, in the shape of rent, from each labouring man to whom an allotment was given?—Yes, not being a public allotment.

884. So that it would be thrown equally over the whole?—Yes.

885. Mr. *Lowther*.] Referring again to the question of notices, have you not frequently heard it made a complaint, subsequently to the inclosure taking place, that the inhabitants of the village were not generally aware of the proceeding?—No, I have scarcely ever heard it.

886. Would you see any objection to a real publicity being ensured by hand-bills, similar to those announcing sales by auction, being posted in conspicuous places?—I see no objection to it; I have often seen it done; parties have published hand-bills.

887. I mean in an official way?—I see no objection to it; the expense is very small.

888. As to the allotments to the labouring poor; have exchanges under section 92 been frequently carried out; it is that section which gives the power to exchange inconveniently situated lands nearer the village?—Those exchanges have been very seldom made; I have, I think, already stated that I have constantly inquired upon that point; in almost every inclosure I have endeavoured to get parties to exchange, but they will not do it.

889. Do you think that the benefit of allotments to the labouring poor is as great in purely rural districts as it was in the first part of your experience?—I think so; they all consider it a great boon.

890. I understand that in making your inquiries, you do not take evidence as to the use of the common by the public as a recreation ground?—I do, as respects its use as a recreation ground; but the question which was put was as to roving over it; if I found that any parties had been in the practice of using it for exercise and recreation, I should inquire whether there was a village green, although perhaps not close to the village, and unless a more convenient place was found, I should reserve that ground.

891. In section 15 of the Act, there is a provision that a village green may be held to be a substitute for a recreation ground under the Act; is it not the case that common rights over such green have not been extinguished, and still exist, to the deterioration of the green as a recreation ground?—Certainly; and in the case of many village greens you find them used for almost every purpose; there are cesspools and all sorts of nuisances there; there is a power given to the Commissioners in the Act of Parliament to place the village greens under the special control of parties, so as to exclude those nuisances from them.

892. Is that often done?—Yes.

893. Do you not think that whenever an inclosure is carried out under this Act, which takes into account the existence of a village green, the extinction and compensation of common rights on such green should be provided for?—Not compensation; that is decidedly the policy of the Act of Parliament. The Act directs ground to be set out for exercise and recreation, discharging all the rights of common; that is what the commoners give up, in consequence of what appears to me to be the benefit of the Act of Parliament; the commoners give up a portion of the common over which they have rights.

894. But where they give up no such portion, because there is a village green, do you not think that common rights, which are bad for that green as a recreation ground, ought to be extinguished under the inclosure?—Yes; and they are extinguished under the inclosure.

895. I understood from Mr. Darby that they are not, and he gave us an argument to the contrary, namely, that there is a power to let recreation ground under this Act as pasturage?—Undoubtedly there is, but those are not rights of common; the rights of the common would be extinguished, but then these allotments are set out,

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out, and power is given to the proper officers to let the rights of pasturage over them; that is an independent power originated by the Act of Parliament, and not a common right.

896. Mr. Darby said that common rights were not extinguished on these village greens, and he gave the power of letting them for pasturage as an argument why they need not be so?—I have no doubt that Mr. Darby is quite right in the view which he takes, namely, that the village greens, which are not dealt with by the Act, remain exactly the same as they were before. There is power in the Commissioners to have them placed under proper control, without at all interfering with the rights of common; but where we allot a village green, and deal with it, the rights of common are extinguished.

897. Mr. *Pease.*] Did I rightly understand you to say that considerable advantage would arise from holding your meetings in the evening rather than in the morning?—The poor might be there after their day's work.

898. There is nothing in the Act to prevent your doing so?—No, there is nothing in the Act to prevent it.

899. As to your care, as an assistant commissioner, in always attending to the allotments for the labouring poor, has that subject always had your special attention?—Certainly; I consider it my duty, in every case, to inspect the land, and to see where those allotments may be set out in the best way.

900. And where the poor residing in the immediate neighbourhood, within a reasonable distance, required allotments, they would be provided for them?—Yes.

901. Have you had many complaints of that not having been done?—I can hardly answer that question, but I believe that there is evidence submitted to the Committee by Mr. Darby, of answers sent by the churchwardens and overseers, showing what number of allotments were considered sufficient, what number were insufficient, and what number had never been used.

902. Mr. Darby was to tabulate them, and to submit them to the Committee?—I understand that in 129 cases the answer was, that the allotment was quite sufficient, that in 22 or 23 cases more could have been used, and that in 30 cases the allotments had not been used.

903. Mr. *Peek.*] Where do you generally hold your meetings?—Generally in the parish.

903.* Do you require proof of due notice of your meeting before proceeding with its business?—Yes, a duplicate copy of the notice is always forwarded to the Commissioners, with an indorsement that the notices have been posted on the church doors. In addition to that, I always require the party, if possible, to attend and prove that he actually affixed the notice.

904. What evidence do you require of the correctness of the statements made in the application to the Inclosure Office?—That is rather a wide question.

905. For instance, do you require the promoters of the inclosure to prove their case formally, and without any assistance from you, as a plaintiff proves his case before a court of law?—Certainly not, or otherwise we should never be able to act. In many cases several of the parties interested never attend. The questions framed by the Commissioners are many of them of a formal nature, which require the mere production of the parish books. There is a question as to the extent of the land; that is shown by the production of the tithe map. Then there is the question, "does the land lie together, or is it in more than one, and in how many separate tracts"? That I see myself by the production of the map. Then there is a question whether it is arable or pasture land, and that I see. There is also a question whether there are mines or minerals. The chief thing is to ascertain whether you have the assent of the parties. The Act of Parliament says that you must have the assent of one-third.

906. You have to ascertain whether one-third of the persons interested in common assent to the application for inclosure?—Yes.

907. How can you ascertain that where there are claims, of the legality of which you are uncertain?—It is impossible to ascertain it in a number of cases; it is impossible to ascertain whether some of the parties are interested or not.

908. If a person makes a claim, who really has no ground for his claim, do you reckon him or not?—If, in my opinion, a party has no ground for claim, I invariably exclude him from the list of the persons interested; all that I can do is, to inquire at the time of holding the meeting who are the parties exercising the rights of common, and who have exercised those rights within the last 20 or 30 years, or for such a time as will give a right at law. Numbers of persons come and say that they have exercised rights, and no person objects to them; they are then only admitted for the purpose of ascertaining the assent of one-third; when you come to the next stage, you must get the assent of persons representing two-thirds in value; and unless the Commissioners are satisfied that the assent of two-thirds in value is given, they will not proceed with the inclosure. When you come to the next stage, after appointing the valuer, all these persons are required to put in claims, and to prove them in the usual way, and then I ascertain the facts.

909. Do you take special care to ascertain the feeling of the labouring poor of the parish or parishes in which the inclosure takes place; first, with regard to the inclosure generally; and secondly, with regard to the setting out of allotments, under sections 30 and 31 of the Act?—Yes.

910. Supposing that very little evidence other than that on behalf of the promoters is given at a meeting, and that the attendance is very thin, do you feel yourself bound to seek further evidence before reporting to the Commissioners?—Sometimes; sometimes there is a want of evidence as to the rights of the lord of the manor. That is an important question, and the Commissioners cannot proceed without ascertaining who is the lord of the manor. If there is any dispute between the lords as claimants I take further evidence; but in most cases there is no necessity for any adjournment, or for taking further evidence.

911. You take good care that, in your opinion, sufficient evidence shall be before you, if not on one day, on some other day?—I always take sufficient evidence to justify me in reporting to the Commissioners. A meeting is called to hear objections; it is, I take it, to be presumed that all inclosures are desirable, and it is for the parties to attend, and to object to the inclosure, if they have any objection to make; I obtain all the evidence that I can.

912. Do you make special inquiry at your meetings,

meetings, or otherwise, as to the feeling in the neighbourhood relative to the setting apart of a recreation ground?—Yes, as far as I can; of course I can only take the opinion of those persons who are present at the meeting.

913. Are you guided alone by the feeling in the neighbourhood, for or against allotments, or do you form your own judgment after considering both this feeling and the economic conditions of the neighbourhood?—In the majority of cases, if I took the feeling in the neighbourhood, no allotments would be set out at all. In all these forms of applications there is not a single case in which it has been proposed to set out allotments, and therefore in the majority of cases I have been obliged to exercise my own judgment; sometimes the clergyman takes up the case of the poor.

914. You sometimes, I believe, adjourn your meetings?—Yes.

915. Is any notice advertised or posted of the adjourned meeting?—Generally; I have it posted on the church.

916. So that the neighbours have just as much means of knowing of the adjourned meeting as of the original meeting?—No, they would not have as much means, because I do not publish notice in the papers.

917. Do you consider that you have power to insist upon notice being so given where it appears to you that the proposal to inclose is not generally known in the neighbourhood?—There is no power to give it.

918. In the case of Wisley, the neighbourhood said that they knew nothing about the proceedings until afterwards; if you found that there was such an absence of knowledge in the neighbourhood, would you feel yourself bound to give further notice?—I think that I should report to the Commissioners that it was desirable to give further notice, but I do not remember such a case having happened.

919. Is it not desirable that in such cases notice of the adjourned meeting should be posted and advertised?—Yes.

920. In making your report to the Inclosure Commissioners, under sect. 26 of the Act, what interpretation do you put upon the direction that the Inclosure Commissioners shall report "his opinion" as to the expediency or inexpediency of the proposed inclosure, with the reasons for such inclosure?—I should report to the Commissioners whether it would be expedient to enclose land, having reference to a greater benefit accruing from the inclosure than leaving the land in its present state of common, being entirely waste, and producing next to nothing. In many commons I find that the herbage is worth a very few shillings, but that if inclosed it is worth as many pounds. I take all matters into consideration, having reference to the health and comfort and convenience of the neighbourhood, and whether the land is of that quality which renders it desirable to be inclosed, or whether any public rights are to be interfered with; I take all these questions into consideration.

921. Do you agree with Mr. Darby in thinking that the best land has been already inclosed?—I think so.

922. And that that which now comes before the Commissioners is of an inferior quality?—Very inferior; if you look through all these inclosures, I think that you will find that they are tracts of land which have not hitherto been worth cultivating; you now get artificial manure, and better cultivation; if anybody goes into Wales, he can see that the inclosures have crept up the hills in the last 20 or 30 years, which nobody thought of cultivating before.

923. If so, in your opinion, is not this fact, taken in conjunction with the fact that the inclosure Acts are wholly based upon the policy of making land more productive, a reason for construing liberally the various provisions in the Act; first, with respect to the preservation of commons where they are valuable for health and recreation; and, secondly, with respect to allotments for health and recreation, and for the labouring poor; if the best land has been long ago inclosed, and only the worst land remains to be inclosed, do you not think that a very liberal view of health and recreation allotments ought to be taken?—Yes; I see no reason why it should not.

924. Where commons are in the neighbourhood, or at an easy railway distance of populous places, is not their inclosure sometimes promoted for the sake of building operations?—Certainly; that is one reason which is frequently given for the inclosure.

925. Supposing it be proved to you that the inhabitants of the surrounding neighbourhood continually use a common as a means of transit from one point to another, but not in such a mode as to have created a right of way, have you any power to recommend to the Inclosure Commissioners that spaces should be left (as recommended by the Wisley Common Committee) for walking and riding across the common?—You could set them out under the designation of allotments for exercise and recreation.

926. Would you do so?—If they merely wanted a way across the common, the valuer must set out a hard road, and have it certified by the magistrates.

927. Do you consider that the possession of a *quasi* right, such as that of cutting turf, is enough to entitle a man to assent to, or dissent from, the provisional order?—If he has a legal right to cut turf, it would carry with it the right of assent or dissent. I will suppose that he has a cottage, and a right of turbary.

928. This is a *quasi* right; the man assumes that he has a right which other people say he has not; should you consider that the assertion of the right, whether it was well founded or not, would entitle him to assent to, or dissent from, the provisional order?—Certainly not, if it was found that the assertion of the right prevented the Commissioners from obtaining the two-thirds, there would be an inquiry by them on the point.

929. You have said that after you have settled the quantity of land to be reserved for the public use, you often advise the parties to give more?—Certainly. I have constantly done so.

930. And you, as an assistant commissioner, think that more land should often be reserved for the general advantage of the public than the Act allows you to set out?—Yes, certainly, for exercise and recreation ground; for allotment gardens we can set out any quantity, but as to the exercise and recreation ground we are limited.

931. And I think that I understand you, that the Act of Parliament does not allow you to look forward to a future population?—That is my opinion. I am satisfied that the Act of Parliament

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ment never contemplated any prospective allotments.

932. I think that you said that a quarter of an acre was the maximum allowed to one allottee?—Yes, under the Act of Parliament.

933. Would not some scheme for the management of a common, such as that now possible in the case of commons within 15 miles of London, be as likely to raise the characters of the inhabitants bordering upon a common, as an inclosure?—I think not; there would be a great difficulty in such schemes. You must then have regard to the commons according to legal rights. There are now numbers of persons who exercise certain privileges over a common, who would be utterly excluded if you once determined their legal rights; and so again with regard to trespasses.

934. I understood you to say that these commons deteriorated rather than improved the character of the poor people living around them?—That is so.

935. There is a scheme for managing these commons for the general good, in the shape of recreation; do you not think that if commons could be put under such a body as the commons round London ought, and probably might be put under, it would raise the character of the population?—I do not think it would. I do not think that it would at all affect it.

936. Mr. *Martin.*] You said that the farmers were hostile to these allotments; do you find that the objections are to these allotments only; do you think that the farmers object to the system of allotments?—There is no doubt about it.

937. If I understand you rightly, you wish to have the powers of exchange under section 92 compulsory; do you think that that would be an improvement?—No, I think not, because I think that it would check all inclosures. I am constantly asking whether any party will give up land, but I doubt whether it would not be too great an interference with the rights of private property to require the giving up of cultivated land. The power in the Act is for any person to give up a part of his own land near the village in exchange for waste land.

938. If the party was deriving benefit from the inclosure there would be no hardship?—I think that he would very much object to it.

939. Do you not think that it would strengthen your hands?—There is no doubt of it, if I could insure allotments near the dwellings of the inhabitants.

940. You have stated with regard to Wisley Common that if the recommendation, of which we have heard so much, of four acres was adopted they would be left to lie waste for a certain time, and would not be useful; but if that recommendation is carried out it cannot be by this General Inclosure Act of yours, but must be by some special Act, must it not?—Yes.

941. And, in order to obviate that difficulty, it would be easy to provide for those extra four acres?—Undoubtedly.

942. With regard to Mr. Bailey Denton's scheme, with respect to which you were asked by one Honourable Member, under section 109 the land is to be let at the farming value?—Yes, or rather at not less than the farming value.

943. You say that, if it is the case of a private allotment made by a country gentleman, if the land is worth 1 *l.* an acre at the farming value, it will generally be let at 30 *s.*?—Yes, or 35 *s.*

944. Then there would be no hardship if in these cases the land was let at 25 *s.*, would there?—No.

945 Under those circumstances Mr. Bailey Denton's scheme might be perfectly feasible?—You have to keep the fences in repair, and to pay the rates and taxes, and the tithe rent charge, if there is any.

946. I understood you that, after allowing for those charges, the land was generally let at 50 per cent. more?—No; the 50 or 75 per cent. is to cover those expenses, or else you would get far beyond the farming value.

947. In Mr. Bailey Denton's evidence, in those columns which he mentioned, I understood him to say that, as to this extra rent, in one instance the farming value was 4 *l.* 10 *s.*, and the rent paid by the small owners was 7 *l.* 4 *s.*; and I certainly understood him to say that that was after all those charges were deducted?—I know nothing whatever about those charges.

948. You have stated that, in obtaining your information, you always have the rate book, and that that shows the number of cottages in the parish?—Almost invariably.

949. I thought that it only included those above the value of 6 *l.*?—No; I have had the matter constantly brought before me, and have been told that they have paid no rates; but still they appear there.

950. Do you ever ask the labourers themselves as to the value of the allotments?—Constantly; I have asked hundreds.

Tuesday, 8th June 1869.

MEMBERS PRESENT:

Colonel Barttelot.	Mr. Liddell.
Mr. William Cowper.	Mr. Lowther.
Mr. Fawcett.	Mr. Philip Wykeham Martin.
Mr. Leveson Gower.	Mr. Knight.
Lord George Hamilton.	Mr. Pease.
Mr. Vernon Harcourt.	Mr. Peek.
Mr. Knatchbull-Hugessen.	Mr. Walsh.

THE RIGHT HONOURABLE WILLIAM FRANCIS COWPER, IN THE CHAIR.

Mr. NATHAN WETHERELL, called in; and further Examined.

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951. *Chairman.*] Do you wish to make any alteration in your former evidence?—At Question No. 882, the question was asked of me, whether the cost of constructing such approaches, that is approaches to the allotments for cottage gardens, would be thrown upon the allottees. I replied, "Yes, upon the inclosure generally; it would be a part of the inclosure expenses, the valuer should take care of that, and if, when I hold an appeal meeting, any complaint is made that a power is not given to make approaches, I direct approaches to be made." The next question is, "A share of such an expenditure, I presume, would be subsequently taken out in the shape of rent from each labouring man to whom an allotment was given"? and my answer is, "Yes." I was under the impression that the Honourable Member was alluding to any approaches made after the inclosure had gone out of the Commissioner's hands. Of course the allotment wardens, if they made such approaches, would have to raise the rents, but all approaches or fences, or anything done to the allotments for cottage gardens during the inclosure, are borne by the inclosure generally. By the 124th section of the Act, the allotments for exercise and recreation, and for the labouring poor, are specially excepted from contributing any portion of the expenses of the inclosure, and therefore the approaches to these allotments would be borne by the inclosure generally.

952. Mr. *Fawcett.*] I think that you have stated that an allotment, if more than half-a-mile from the cottages of the labouring poor, and if there is not a good access to it, is of little advantage to them?—Yes, generally speaking, I should say so.

953. Were not you concerned in a very large and important inclosure, namely Swaffham Heath, of 2,500 acres?—Yes, I attended all the meetings.

954. Is it correct that the land which you allotted for the labouring poor is more than a mile from that town or village?—I think about a mile.

955. Is it also correct that it would have been possible for you to have set out land for allotments much nearer the town than that?—I cannot undertake to say that; the town of Swaffham is surrounded by the inclosed lands of the parish. We have no power to take allotments from common field lands, but only from the commons which are subject at all times of the year to rights of common, or which are waste of a manor.

956. It has been stated to me that from the land subject to rights of common at all times of the year, and from the waste, allotments might have been set out much nearer than the land which was set out?—I think that very likely there might have been land nearer the town, but certainly not so good.

957. Are you aware that the land which was set out was so poor that its general value has only been estimated at 15 *s.* an acre?—The land is undoubtedly very poor, but what is its exact annual value I cannot state.

958. Then I am to understand that the land which was set out was a mile distant from the town, and was extremely poor?—I believe so; I believe that it was about a mile distant, and the whole of the heath is, comparatively speaking, poor land.

959. Have I also been correctly informed that the means of access to the land which was set out was extremely inconvenient, whereas other land might have been set out to which there was a good road?—There is a good road the whole way to the land which has been set out.

960. You say that there is a good road through the allotment land?—It is a hard road.

961. Have you any suggestions to make with regard to giving greater publicity to the sections of the Act of Parliament by which these reservations of land for allotments and for recreation grounds are made?—The question was put to me the other day, whether any greater publicity could be given; and it has been suggested that there should be handbills. I can conceive no better way of giving publicity.

962. Should you see any objection to having included in the notices affixed to the church and chapel doors a copy of the sections of the Act relating to allotments?—No objection whatever.

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963. Do you think that the labouring poor are generally aware of the provisions of the Act of Parliament by which these allotment grounds and recreation grounds are reserved?—Many of them are; there have been some inclosures in which the question of allotments has been mooted, and I have had a very large attendance of poor people, but in an ordinary inclosure scarcely any poor people attend; in fact it is the giving up of a day's work.

964. Do you think that the mention of these sections of the Act of Parliament, so as to give the labouring poor full notice of the provisions of the Act of Parliament, would be advantageous?—There is no objection whatever to it, and I think that it might be advantageous.

965. Are you aware that the land which is reserved as allotments for the labouring poor is, as a general rule, let at far beyond its agricultural value?—In many cases it is; but, as I have before stated, that does not fall within my department. I know nothing, except by accident, of what becomes of the land after I have held an appeal meeting, but I know that some land is let far beyond the agricultural value.

966. Under the present Act of Parliament the rent of these allotments really goes to the reduction of the rates, does it not; supposing that 50 acres of land are reserved, as at Swaffham, is not that land vested in allotment wardens?—It is vested in the churchwardens and overseers; the allotment wardens have the management of it.

967. They are trustees for the application of the rent?—Yes.

968. And is not that rent devoted, under the Act of Parliament, to parochial purposes?—No; the rent which is paid to the allotment wardens by the poor who cultivate the gardens is expended, first of all, in keeping up the fences, and so on, and in payment of the rates and taxe; then a proportion of it is paid over to satisfy the rentcharge, which is received from the land by the Act of Parliament, and the remainder is paid over in aid of the poors rates of the parishes. A rentcharge is imposed upon the land so set apart for cottage gardens, and that rentcharge the valuer has to allot to different parties, as he thinks fit, in part compensation of their common rights. Supposing that an allotment of four acres was set out, bearing a rent charge of 4 *l.*, and that you were entitled to an allotment for common rights of five acres, the valuer might say, "I will give you 1 *l.* worth of this rentcharge," and the residue of your allotment in land, and so as to the other allottees.

969. It may therefore be generally said that the proceeds resulting from these allotments go to the commoners and to the landowners?—Yes; and I also make a point of explaining that to the parties as a reason why an allotment should be set out; that it is not giving the land away from the commoners, but that the poor use it, paying a rent, so that the commoners practically and substantially lose nothing by it; they get back a fair rent from the allotments.

970. At what is the rentcharge of which you speak estimated; is it a fair agricultural rent?—The rentcharge is estimated according to the value which the land would bear at the time of the inclosure; I can refer you to the section.

971. As it is provided by the Act of Parliament, that the land should be let at a fair agricultural rent, nothing should be charged for it beyond the rentcharge, should there?—You must have something beyond the agricultural rent, because some of the land is liable to rates, and there may be fences to be kept up.

972. If the rent is sufficient to cover the rentcharge, and to provide for the rates, and to keep up the fences, by the provisions of the Act of Parliament nothing ought to be left to hand over in the shape of poor rates, ought there?—The Act of Parliament says that it shall not be let at less than the agricultural value; it gives the power to the allotment wardens to charge anything they like; I have heard that in many cases the allotment wardens have charged much more than the agricultural value, and I think that it is an abuse.

973. Should you think it advantageous to introduce some words into the Act of Parliament to limit the amount of rent which should be charged by the allotment wardens?—I should certainly introduce words into the Act of Parliament to let the poor get the utmost they can out of the land; the provisions of the present Act impose no limit upon the allotment wardens as to the amount of rent charged.

974. And you think that such a limit ought to be introduced?—I think that there would be no objection whatever to it; I think that any limit which could be introduced into the Act of Parliament, so as to allow the churchwardens and overseers to enable the poor to have the greatest benefit out of the land, would be an advantage.

975. You have stated that in the case of land being extremely rough, and being covered with bushes, it is of very little use reserving it as allotments, because the poor have no means of clearing it?—That is so; they would not take land where it would require a year or two to bring it into cultivation for garden ground.

976. Have you considered whether, in such cases, some plan of mortgaging the land might be adopted, so as to raise a fund to enable it to be brought into cultivation?—I have never considered that point; it is outside the Act of Parliament.

977. With reference to the questions which were put to you by Mr. Knatchbull-Hugessen relating to Kirton Marsh, you expressed the feeling that the combination of duty and self-interest would induce the landlords to build cottages if any land were put into cultivation, did you not?—Yes, to build cottages, and to annex gardens to the cottages.

978. Are you aware that over great tracts of country those feelings of duty and self-interest do not seem to produce any effect whatever?—That is a speculative question.

979. Are you aware that in the Report of the Commissioners who investigated the subject of public gangs, they stated the evil which existed from there being public gangs where there was not a single cottage?—I have read the report, and I think the statement correct.

980. Therefore you see that landowners are not influenced by self-interest in providing cottages for the labouring poor?—My experience is that they have provided cottages.

981. But did not those Commissioners recommend that, in cases where public gangs existed, they were distinctly required, because there were no cottages upon the land?—I think I remember a statement to that effect.

982. Did you not state in your last evidence that

that you thought that it did not come within your competency to recognise the right of the public, so far as related to walking or roving over the common?—I should be glad to have the opportunity of explaining what I then said, as many Members have put questions to me, having reference to distinct classes of rights. First of all, with regard to public allotments for cottage gardens, I, perhaps, need say nothing further. Then, with regard to public rights of exercise or recreation, if there is a common near the village, and if there is a convenient access, I have made a point of setting out a portion, whether it is convenient or not, for recreation. That consideration has guided me in almost every case. Then there is a certain class of public rights which, perhaps, are not legalised, such as holding fairs and races, and volunteer shooting. I have always reported to the Commissioners upon all those rights. In some cases allotments have been set out, subject to a right of holding a fair or a market, in the vicinity of a town; then there is another class of cases, where the user has, to a certain extent, been localised. I may refer to two or three cases which have taken place within the last year or two; one case is that of the Bathford inclosure, in the vicinity of Bath. At the summit of the common there was a terrace where the people had been in the habit of walking, especially on Sundays, and the most beautiful views were obtained from it. I directed the whole of that land to be set apart for exercise and recreation, and it has been set apart, and the award is confirmed with that condition. There is another case, namely, that of Mayhill, in the parish of Longhope, near Gloucester, where there is a most beautiful view, and where gentlemen and ladies resort in carriage parties. I there ordered four acres to be set apart, with a knoll of trees.

983. *Chairman.*] Will you state whether the Bathford inclosure exceeded the maximum amount of 10 acres?—I cannot exactly mention that; the whole of the terrace which had been used for those purposes was set out. Then there is an inclosure which will come before the House of Commons, near the Lizard Point, where there is a most beautiful cove, namely, the Kynance Cove, to which numbers of visitors resort. I there directed two acres to be set apart for the public, so that they might have access to it without payment. At Nantwich the whole of the common has been devoted to public purposes. Again at Hirwain, near Aberdare, we have set out 100 acres for exercise and recreation, and 30 acres for cottage gardens. I have always, if I possibly could, set out allotments for that purpose. But then there is another class of cases, such as that of ladies driving, and gentlemen riding over the common, as in Wisley Common. I have not considered those cases to be of such a character as to justify my setting out anything, and if you did anything you must keep the whole common open. There are now six acres to be set out, and of course gentlemen will not ride, and ladies will not drive over six acres of rough land.

984. Mr. *Fawcett.*] I understand you to have said, in the answer which you have just given, that in one place you reserved six acres for exercise and recreation, had you power to do that under the Act of Parliament?—That was made a term of the inclosure, but if it is left to the assistant commissioner to say what quantity is to be set out, he has only to refer to the clause which provides the sliding scale. In numerous cases the Commissioners have made it a term of the inclosure, that they will assent to the inclosure where a larger quantity is allotted, provided that two thirds in value will also give their assent to the provisions which the Commissioners so introduce into the provisional order.

985. Then in that case it may be described that there was a voluntary arrangement between you and the parties concerned?—Yes.

986. I think that you expressed an opinion that it would be desirable not to have the amount of land which should be reserved by Act of Parliament strictly limited as it is now?—I think that it would be desirable to give the Commissioners a discretion as to that, and I have always thought so.

987. With respect to Wisley Common, you have described the land as being so poor that it is of small agricultural value?—Yes.

988. Putting the case of the land of a common being so poor that it has no agricultural value, and the public having hitherto used it for the purpose of riding and walking, and roving over it, cannot you suppose that there would not be any advantage to the public from inclosing that common?—I should certainly not report to the Commissioners to that effect, I think that it should be left to the discretion of Parliament to say whether, there having been a certain user, not a user in point of law, but a trespass, it should be exempted from the operation of the Act of Parliament.

989. When you say, "not a user in point of law," are you aware that if any person walked over a common he could be immediately prosecuted as a trespasser?—I would not advise any body to bring an action for it; it would result in a farthing damages.

990. I have understood you to say that the public have no right, but that they are trespassers, and that you have hitherto made no distinction between trespassing on a common and trespassing upon private property?—I have, I believe, stated that persons have no legal right to go over a common except in the beaten track.

991. But I understand you that although they have no legal right, if they exercised the right, it would be of no use for any person to bring an action against them?—I suppose that he would get a farthing damages.

992. Then is not the right which is exercised as valuable to the public as a legal right?—That is certainly one way of putting it, but I should consider all those things as trespasses, and not as legal rights; we hold our meetings to ascertain what the rights are, and we cannot take into account the rights which we know by various legal decisions, are nothing else but trespasses.

993. You describe them as trespasses, but yet you say that no one could proceed against them?—I believe that there would be no chance of getting a substantial verdict, and it is the same with regard to private property; supposing that you found a person trespassing upon your land, under circumstances which would not enable you to prosecute him on a summary process, you might bring an action, and you would get a farthing damages.

994. Although you say that the people, for instance, in the case of Wisley Common, are trespassers, yet you can have no doubt whatever that if that common was not inclosed, the public, although

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although you describe them as trespassers, would probably continue to use the common?—There is no doubt about it; I do not think that it is fair that these trespasses should be set up as a right.

995. You said, on the last occasion, that the meetings which the assistant commissioners held were usually held at 11 o'clock, a time when you admitted that it is difficult for the labouring poor to attend the meetings?—The meeting is usually held at 11 o'clock.

996. And that is a time when it is inconvenient for the labouring poor to attend?—The labouring poor would probably be at their labour.

997. Would there be any disadvantage in holding the meetings in the evening?—Since that question was asked me on the last occasion, I have considered the point; I cannot help thinking that after a hard day's work, if I began to examine labourers about commons appurtenant, or commons appendant, they would be all asleep.

998. But some of them might give information, might they not?—Yes; if they could understand the subject.

999. As far as the Inclosure Office is concerned, there would be no practical difficulty in holding the meeting in the evening, would there?—There would be many objections to it.

1000. But not very serious objections?—Not very serious objections.

1001. Do you agree with the doctrine which was laid down by the Chief Commissioner, Mr. Darby, that Parliament has no power when these Inclosure Bills are introduced to amend any of them, but can only pass or reject each separate inclosure?—I should have thought that Parliament had power to act in the matter.

1002. Mr. Darby distinctly laid down the doctrine, that if a Bill was introduced into Parliament, say, proposing an inclosure in any particular case, reserving, as at Withypool, one acre for recreation ground, and five acres for allotment, Parliament had no power to say, "We will pass that Inclosure Bill on the condition that you shall treble the recreation ground, and treble the amount reserved for allotments?"—I think it very likely that what Mr. Darby meant was this; the assent of parties is given on certain conditions, and if you alter those conditions, it would be only fair that the parties should have an opportunity of saying, "we will withdraw from this inclosure?"—I think that that is all that Mr. Darby meant, because I had a conversation with him upon the subject.

1003. Then you would agree with Mr. Darby that before Parliament amended any of Bills, the Bills ought to be sent back to ascertain the opinions of the parties concerned?—Undoubtedly; I think that the parties should have an opportunity of considering whether they will assent to the inclosure upon the new terms imported into the Provisional Order.

1004. Then Parliament has no power to introduce an amendment, but simply to suggest an amendment?—Yes, that is the way in which I would put it; to suggest certain new terms, and to leave it to the parties. Of course Parliament would have power to make an amendment if they pleased.

1005. If they introduced an amendment, and did not suggest that amendment, you would consider it to be a breach of the undertaking with the parties concerned?—I think that the parties ought to have an opportunity of saying whether they would assent to the alteration or not.

1006. If an alteration were introduced, the parties would fairly say that the bargain had been broken?—I think so; if my memory serves me rightly, there was a case where I directed the full amount of four acres to be set out, namely, at Chigwell, which is within the forest of Hainault, where I acted as one of the disafforesting Commissioners. In that case Parliament directed 50 acres to be set out, instead of four acres, and I am almost confident that it was remitted to the parties to say whether they would assent to it or not.

1007. Do you not think it desirable that the Inclosure Bills which are introduced into Parliament should give more information than they now do?—The Inclosure Commissioners are charged with the burden of reporting to Parliament whether the terms have been, or have not been, complied with.

1008. The information derived from the Bills which are introduced is the only means which Parliament has of forming an opinion whether the inclosure should be made or not; and, therefore, ought not the information to be more explicit?—There would be no objection to its being a little more explicit.

1009. It would enable Parliament to arrive at a more definite and correct opinion, if you stated the exact distance of the cottages from the inclosure, instead of stating that they are at a little distance from the inclosure?—There is no objection to that. I believe that in some cases the distance is mentioned.

1010. But in some cases it is not, and you would see no objection to making the information more explicit where it was possible?—I see no objection to it.

1011. Mr. *Walsh.*] Will you state how the valuer is appointed?—As soon as Parliament has passed the Inclosure Bill, a meeting is called by the Commissioners for the purpose of appointing a valuer; and then the persons who attend the meeting, either by themselves or their agents, vote for the appointment; you need not get the assent of a proportion of all the parties interested, but only of those who attend; and in order to render the appointment of the valuer legal, there must be the concurrence of parties representing both a majority in point of numbers, and a majority in point of value; if the majority in point of numbers votes for one gentleman, and the majority in point of value votes for another gentleman, there is no appointment at the meeting, and the appointment of the valuer then devolves upon the Inclosure Commissioners.

1012. Does the lord of the manor ever reserve the appointment of the valuer as a condition of his consent?—Such a thing may have happened, but it has never happened within my knowledge, and if the lord did so, I think that the Inclosure Commissioners would not give their assent to the matter.

1013. Do not the Commissioners of Woods and Forests do so on behalf of the Crown?—I do not remember any case of that sort.

1014. Will you take this paper into your hand —(*handing a Paper to the Witness*)—those are the terms which the Commissioners of Woods and Forests forwarded to me of a proposed inclosure in Wales last year; I have selected that as the latest case, will you read the second condition of the inclosure?—"That it be referred to either of the undermentioned surveyors and valuers to ascertain the annual and fee simple value of the land

land in its present condition, if held in severalty, and the present annual and fee simple values under existing circumstances of the rights of the Crown (in and to the soil and over the surface) on the one hand, and of the commoners (over the surface) on the other hand. (3.) That the referee set out allotments to the Crown and the commoners in accordance with his valuation in satisfaction of their respective rights."

1015. How do you reconcile that with your previous answer?—I have never seen nor heard of it, and I doubt whether it means the appointment of the valuer. I know nothing of it; *non constat* that the Inclosure Commissioners have sanctioned it.

1016. Would you consider that as being contrary to the spirit of the Act?—Certainly; I should consider that I had no power whatever to go out of the section of the Act of Parliament which directs the valuer to be appointed in a certain way. I have acted in a great many inclosures; 700 or 800 have come under my jurisdiction, and I never remember a case in which the valuer has been appointed otherwise than in direct accordance with the Act of Parliament.

1017. Here is another case in 1864, in which the terms are identical with those to which I have alluded; you would consider that as being contrary to the statute?—Yes; the lord of the manor has the power to import any particular terms into the provisional order, as a condition of his assent, but I never heard of such a term as the Honourable Member has alluded to being imported, and it never came under my cognizance, and I do not feel at all sure that the Commissioners would sanction it. That, however, is a matter upon which I have no knowledge; it would be for the Commissioners to determine whether they would consent to it or not.

1018. Colonel *Barttelot.*] With regard to a question which was asked you by Mr. Fawcett, with respect to the powers of Parliament, what I understand you to say is that Parliament has a perfect power to amend any of these provisional orders, but that in deference to the parties interested, when so amended, the matter ought to be sent back to them, for them to say whether they will agree to the inclosure or not?—That is my view of the subject.

1019. Do you not think that that is a just and fair view of the case?—I think so.

1020. That is to say, considering that those parties are the parties most particularly interested in that inclosure?—I think so, because Parliament might impose a term upon the persons having common rights, whereby a great portion of the common might be taken from them, and it might be perfectly useless to inclose the remainder. I put an extreme case, but still it might occur. At Chigwell a large portion of valuable land, worth 200*l.* an acre, was taken away, and it is now, I believe, very little used, so I am informed.

1021. With regard to the time of holding the meeting, if it was considered that the evening would be the best time, there would, I suppose, be no serious objection on your part?—Certainly not.

1022. But you still consider that the morning is the best time?—The morning is the best time.

1023. Do you not think that if the labouring poor were very much interested in the inclosure they would be able to attend the meeting between 12 and one o'clock, which is their dinner hour?—Many of them reside at a distance, and do not come home to dinner; and perhaps they may be working at a great distance from the common.

1024. Do you not think, that if it was a very great advantage to these people to attend the meeting, those persons who employ them would, upon an occasion of that sort, allow them to come to the meeting?—I hardly think that the farmers would allow it. Many of the poor would have no *locus standi* in the inclosure.

1025. Do not you think that the new Act which was passed a short time ago, namely, the Union Chargeability Act, has altered the whole aspect of affairs, and made many of those persons who before were not anxious to build cottages in their own parish, much more anxious that their labourers should reside on the spot?—I think so.

1026. From your observation, going all over England, do you not think that the labouring poor are being better housed than they were formerly?—They are better housed.

1027. And, so far as you have seen, owners of estates are doing their best to provide proper cottage accommodation?—Within my own knowledge and experience, that is so. In the parish in which I live, and in the adjoining parish, the whole system of cottages has been remodelled. I have built cottages myself. As a rule the cottages are improved; they are remodelled or rebuilt.

1028. With respect to the question of the user of the public, which has been raised by Mr. Fawcett, is it not the fact that the public, on most of these commons, have no right whatever?—As a matter of law, they have no right whatever.

1029. Is it not also a fact, that the lord of the manor, and the copyholders, and others, have not objected to the public using the common, because they have thought that no rights would accrue to them from so doing?—I cannot answer that question, as to what induced the lord or the copyholders to abstain from exercising the positive right of turning persons off, but I never heard of any common where the public have been kept off, except where it has been a place for sporting, and where, of course, it has been preserved as a part of the demesnes.

1030. Are there not large commons of that kind which are used for sporting, in which the public are strictly kept to the high roads?—Yes, there are many such commons.

1031. With regard to the owners, is it not the fact that the owners have thought that no right would accrue to the public by allowing them to ride across the common?—Yes, if no damage occurs.

1032. Mr. *Vernon Harcourt.*] Can you give us any instance of an action of trespass upon a common apart from actual injury done, either in respect of game or in respect of herbage?—No; I have stated that as a rule the public pass and repass over the commons which are not used for sporting purposes without any obstruction.

1033. Colonel *Barttelot.*] But in the case of any common which the lord of the manor chooses to use for sporting purposes, he keeps off all persons?—Yes, I know of many cases where the lord of the manor, through his game-keepers, keeps

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keeps off all persons excepting those who have a legal right of depasturing their cattle there.

1034. With regard to the 30th section of the Act, what is your definition of the term "neighbourhood." I will put a case; supposing that the parish is a small parish within the manor, and that there is a large town close by out of the manor, does not this 30th section clearly lay down that it shall be the parish, and not outside the parish, and that what you are to take account of is the neighbourhood?—I do not think that there is any limit; I have never considered that there is any limit of that sort.

1035. The words of the 30th section are, "For the inhabitants of the neighbourhood, not exceeding the quantity hereinafter mentioned, applicable to each case, that is to say, where the land to be inclosed shall be situate in any parish the population of which," and so on. The word "parish" is mentioned all through?—Yes, that is for limiting the amount of land set out, but the moment that the land is set out, and the award is executed, the user of the land extends to the neighbourhood.

1036. In setting out that land, do you take into account the neighbourhood, or a large town outside the parish, as contra-distinguished from the parish?—Certainly; I think that on the last occasion I mentioned a case in which an inclosure took place, and where there were very few people in the parish who by any possibility could use the land, as it lay at such a distance from the bulk of the parishioners. I was there informed that people from a large town, namely Cowbridge, were in the habit of resorting to a portion of the common, and that, in fact, county cricket matches were played there, and I directed that land to be set out for exercise and recreation, although a very few of the population of the parish would use it; but we took the population of the parish in regard to what we should set out as an allotment.

1037. You think it very advisable that the law should be altered with regard to the increase of recreation grounds, and that it should be in the hands of the Commissioners to say whether the recreation grounds might not be larger than is at present allowed by the Act of Parliament?—I have expressed my views upon that point in the affirmative.

1038. Supposing that there was a village green of 10 acres, and that you could only set out four acres, you would like to set out the whole?—I should.

1039. With regard to the allotments, supposing that a cottager had a small garden, should you not say that 20 rods were quite sufficient to set out for him?—Such is my view of the matter, from the best information which I can obtain.

1040. And in no instance, supposing that he had no garden, should you think that more than a quarter of an acre was necessary?—Not more than a quarter of an acre.

1041. Therefore, as far as the allotments are concerned, you think that ample powers are given by the present Act?—Certainly, as far as regards cottage gardens.

1042. *Chairman.*] Your opinion has been asked with reference to the power which Parliament has of altering the provisional orders; is it not a fact that the Bill which is brought before Parliament is a Bill for confirming a provisional order, and that the provisional order is not brought so definitely before the House of Commons, that the House can make any alteration in that provisional order, but that what the House can do, is to declare that it will withhold the confirmation of a particular provisional order, unless the Commission, with the proper assent of the parties concerned, will so alter the provisional order as to bring it into a condition in which Parliament would be willing to confirm it?—Yes; I think that that is what has been already done in one case.

1043. Mr. *Knatchbull Hugessen.*] Under the 27th section of the Act, the consent to the inclosure of two-thirds in value of the lands proposed to to be inclosed is necessary, and that consent must be given upon the terms and conditions proposed in the provisional order?—Yes.

1044. Therefore, if those terms and conditions are altered by Parliament, is it not held that that circumstance causes a state of things in which the assents to the actual proposals about to become law have not been obtained?—I think that in that case the provisional order ought to be remitted to the parties, for the purpose of ascertaining whether or not their assent will be given upon those terms.

1045. Is not that the meaning which Mr. Darby meant to convey?—I have no doubt that that is what Mr. Darby meant to say.

1046. *Chairman.*] In the 30th section of the Act of 1845, there seems to be this inconsistency, that the early part of the clause states that the Commissioners may set apart recreation ground for the inhabitants of the neighbourhood, whereas in the latter part of the clause it is stated that the population of the parish should be the population to be considered in deciding upon the size of the recreation ground; do you think that the proper way of carrying out the first part of the clause would be to withdraw altogether the limit which is assigned in the latter part of the clause, namely, that which is founded upon the population of the parish?—I think so; otherwise you would never be able to determine exactly the radius within which you should take the amount of the population. I think that it would be better to give a discretion to the Commissioners to set out such land as the circumstances of the case would justify.

1047. If the law were so altered you would have much more facility than you have hitherto had, as an Assistant Commissioner, in meeting the cases which you have mentioned, where there was a localised user by the inhabitants of the neighbourhood?—Yes.

1048. And you think that it is fair, that where the public have enjoyed a particular portion of a common, that enjoyment which they have hitherto had should be reserved to them under the inclosure, provided that there is no undue interference with the rights of the commoners, and of the lord of the manor?—Yes; I think that should be done in every case, and, as far as I remember, I think we have generally adopted that rule. I can mention many cases where we have adopted the rule, and have set out those portions for exercise and recreation which we have found to be used, from time to time, either by the parishioners or the people in the neighbourhood.

1049. Mr. *Knatchbull Hugessen.*] A question has been asked with regard to a village green; is it not the case that under the 15th section of this Act, village greens are specially exempt from the inclosure?—Village greens are specially exempted;

exempted; in the early part of the clause it is provided that they shall not be dealt with with a view to allot the land to allottees, but the same section proceeds to state that the Commissioners may allot them for the purpose of preserving them, and I apprehend that the rights of common would then be discharged.

1050. But the whole result of that section is to prevent the inclosure of village greens in allottments?—Yes.

1051. Mr. *Liddell.*] Mr. Fawcett, in a question which he put to you, implied that the unfortunate system which is known as the gang system, was mainly due to the absence of cottage accommodation; is it not the fact that the gang system (an unhappy system as it is) prevailed to the largest extent in what we know as the fen counties?—That is so.

1052. Is it not also a fact that the natural insalubrity of the soil of that low country has absolutely acted as a bar to the aggregation of individuals, either in hamlets, or in villages, or in cottages?—It has been so stated, but I have not paid any great attention to that part of the matter.

1053. May we not naturally assume that if that is so, the process of cultivation as it goes on will prevent that insalubrity, and that it will then become the interest of the landowners to construct cottages?—Yes.

1054. Therefore the censure which was implied in Mr. Fawcett's question requires some modification?—Yes; there is one large inclosure in Cambridgeshire, namely, Grunty Fen, of several thousand acres, that has been drained and has been brought into arable cultivation, and is worth a great deal of money. I think that 260 acres have been set out as cottage gardens.

1055. Mr. *Vernon Harcourt.*] You used a remarkable expression with regard to the labourers in respect of allotments; you said that they had no *locus standi*; is it the view which is generally taken by the Commissioners, that the labouring poor have no *locus standi* with reference to the allotments?—I simply mean that they have no vested right in the land. On the former occasion, when I was asked who attended the meetings, I observed that the meeting was an open one, and that any person attended who pleased. The poor sometimes come there and complain of the inclosure, but as a rule the poor cannot come; they are at their work.

1056. Do you not consider that when this statute, under which you act, stated that no land should be inclosed without a certain amount being set aside for recreation ground, it gave to the persons who were to use that recreation ground a vested right?—I merely used the term "vested right" as contradistinguished from the general right which the poor under an inclosure have to call upon us to set out land.

1057. Surely Parliament by this very Act created a right in them, and their right is quite as real a right to see that their interests are protected in the inclosure as the right of the lord of the manor, or of the Commissioners, is it not?—I venture to express my dissent from that, because we are not bound to set out allotments; it is merely a matter within our discretion.

1058. But are you not bound to explain to Parliament why you do not do so?—Undoubtedly, and I consider that I am bound to inquire into the case of the poor, and the allotments which should be set out.

1059. As I gathered from your evidence just now, you seemed to consider it not very material whether the labouring poor were, or were not, present at the investigation; how can you report to Parliament without having heard these people specially upon the point?—I consider that the Assistant Commissioner stands between the landowners on the one hand, and the poor on the other; I consider that we are trustees for the poor, and that it is our duty on every occasion to set out allotments for them when we are justified in doing so.

1060. Is is not rather a peculiar way of performing that function, that you should in many cases determine the question upon hearing only the landowners, and not the poor?—The Commissioners can only give such notices as the Act directs, those notices are given, and we cannot compel the attendance of any party.

1061. In your judgment is it a satisfactory way of exercising a judicial office between two parties to come to a determination having heard only one side?—I consider that I have the means of deciding without hearing the parties. I constantly set out large allotments without having heard a single poor person.

1062. You tell us that you regard the poor as having no *locus standi*?—All that I meant by that term was that they had no vested rights unless they had rights of common in the land.

1063. Have they not a statutory vested right to claim, before you, to have a certain proportion of that land set apart?—It would entirely turn upon the meaning of the term "vested."

1064. Then you do not regard the obligation of the statute as what you consider a vested right?—I consider that the poor have no vested right in the land, in my understanding of the word "vested." I have never questioned that they have a right to ask to have allotments set out; and they occasionally come, or the incumbent of the parish, or some one else comes, and asks for allotments for them. Whether they are asked for or not, I am bound to inquire, and I do inquire, and so does every Assistant Commissioner inquire, whether or not allotments are required.

1065. How many Assistant Commissioners are there?—I think that at present there are not more than two.

1066. As respects the Bill which we are now considering, which is before Parliament at present, how many of those inclosures have you personally had under your consideration?—That appears in the evidence which I gave the other day; there are, I think, 12.

1067. On the average, how long does the investigation of each case by you on the spot take?—It varies very much; if there is any question of right, for instance, a question as to the ownership of the manor, it may take two days.

1068. Suppose that there are not disputed rights?—If there are no disputed rights, it may take two hours, or five hours.

1069. Is there any case in which you order an inclosure without seeing the place?—Never. I am bound by the Act of Parliament to see the land. I have never reported to the Commissioners on any single inclosure without having seen the land.

1070. I have asked you with reference to the right of the labouring poor to be heard upon the

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question of allotments; I suppose that you would take the same view with reference to the interests of the neighbourhood, on the subject of the recreation ground; would you feel yourself bound to hear parties upon that subject?—Yes.

1071. Whom would you hear on that subject?—Any person who happened to be present.

1072. You would consider that they had a *locus standi* to claim the recreation ground?—I beg the Honourable Member's pardon; I think that the term "*locus standi*" has had a wrong interpretation put upon it. I did not intend for a moment to say that they had not any right to be present, they are always invited to be present. All that I meant to say was, that they had not the same legal right in the common as a commoner has.

1073. How many of these reports which are now before Parliament have been in any respect varied by the head Commissioners; I suppose that your reports which you send in to the Commissioners are reports at some length?—Yes.

1074. Are those reports generally acted upon by the Commissioners, or are they varied in any respect?—As a rule they are acted upon.

1075. Can you give us any recent instances in which the principal Commissioners have varied the recommendations made in the reports of the Assistant Commissioner?—I can mention one case. I think that it was the inclosure of a parish near Maidstone, namely, Ditton, where I recommended that no allotment should be set out, but the Commissioners over-ruled my report, and directed that an allotment should be set out; that is one case. I remember a case in Devonshire, viz., Linton; there an allotment was proposed to be made to a gentleman on an undertaking that he should keep it open, but the Commissioners thought that the better plan would be that it should be allotted as a place of exercise and recreation; and to that extent they over-ruled my report. There are one or two other cases in which they have done so, but, as a rule, they adopt my report.

1076. You have said (and I believe quite accurately) that by law the public have no rights, except so far as they may be rights of way, over a common, but you have added that practically the public have a stray over what may be called the commons of England, is not that so?—Yes.

1077. And you do not know of any instance in which an action has been brought by the lord, or the commoners, against a person for merely wandering over a common?—No, I cannot mention such a case.

1078. Surely the state of things, as regards the public, is very considerably altered when the common is inclosed, is it not?—Yes.

1079. That is to say, that persons who have practically an unlimited right over that common, although not a legal right, lose that enjoyment as soon as a fence is put round it, and an action will be brought against them, which would not be before brought?—Yes, it becomes private property.

1080. In point of fact, does not the Inclosure Act make that a real trespass which would before only be a nominal trespass?—It has that effect.

1081. And, practically, it excludes the general public from land of which they substantially had the enjoyment before?—Yes, that applies to every inclosure.

1082. Have you ever had the curiosity to estimate if inclosures go on at the rate at which they are now going on in England, how long it will be before the whole land of England will be inclosed, and as to which the public will have no rights at all?—No, I have never made such a calculation.

1083. How much uninclosed land is there now?—I believe about 7,000,000 of acres; those are lands which are subject to rights of common; the Inclosure Commissioners have no jurisdiction unless the land is subject to rights of common; I believe that many of those lands are grouse moors in the north, which are still subject to rights of common.

1084. Has there been any case in which you or the Commissioners have declined to inclose land where there has been any application for inclosure?—I do not remember any such case at present.

1085. Are there any circumstances under which you would think it right to decline to carry out an inclosure which was applied for by sufficient parties?—I think that the mode in which the Commissioners have generally dealt with lands where there have been public rights over them, has been to leave the matter to Parliament.

1086. I am not speaking of public rights, I am assuming that your general view of the law is a correct one, namely, that the right is in the lord and the commoners, and I am supposing the case of a common which would be of no value for arable or grazing purposes, and that application was made for its inclosure, should you consider yourself justified in declining to make that inclosure?—I should not, because I believe that almost every tract of land might be beneficially inclosed.

1087. Supposing that there was the case of a common with gorse on it adjoining game covers, and that the landowner desired to inclose that common merely to protect the game, without any view of turning it to a cultivable purpose, should you think it right to authorise that inclosure?—Most certainly.

1088. And you would do so quite irrespectively of any amount of enjoyment which the public, having no vested rights in it, might have of that common?—Not necessarily; it might be so near a town as to make it inexpedient to inclose it, but I think that it would be rather left to Parliament to say whether it should be inclosed or not; in a rural district, although a common near inclosures is not very valuable land, I should not for a moment hesitate to report to the Commissioners that it ought to be inclosed.

1089. You consider that the protection of the game for sporting purposes, which Colonel Barttelot has alluded to, would be a sufficient ground for authorising an inclosure, quite apart from any value which might attach to the land for purposes of cultivation?—There are very few tracts which cannot be cultivated in some way or another.

1090. Should you require to be satisfied that the land was going to be so employed, and was not merely going to be made an additional game cover?—I should not consider that I had a right to enter into that question.

1091. Then you do not consider that any part of the basis of the recommendation of an inclosure is,

is, that it will add to the produce of the country?—I can hardly imagine a tract of land which cannot be employed in some way, either for planting, or for sheep pasture; it may not be capable of being converted to arable cultivation, but in most cases it is capable of being cultivated; where gorse will grow, wheat will grow.

1092. On the subject of exchanges, you have said that there have been very few cases of exchanges where there have been inclosures?—Very few indeed.

1093. And I suppose that you agree with Mr. Darby, that it is no part of your duty to negotiate an exchange for allotment ground, or recreation ground, in a more convenient situation?—I do not know whether it should be dealt with as a duty, but in many cases I have asked whether the land could be exchanged for other land nearer to the village; that question was put to me on the last occasion, and I stated that I was tired of asking the question; you can get scarcely any landowner to assent to it; the proposed exchange is of a small quantity of good land for a large quantity of bad land, and the landowners will not readily assent to it; in some cases exchanges have taken place; and at Swaffham I believe that Mr. Hammond has almost consented to an exchange for 50 acres there set out.

1094. You do not consider yourself to be in a situation to say to the lord of the manor, and to the commoners, "I will not advise this inclosure unless you, among you, will agree to find a convenient space for the people of the village"?—I do not.

1095. Do you think that it would be a good thing if you had such a power?—Yes; it would undoubtedly be a good thing to get an exchange, if it could be done without interference with the rights of property; there are many cases in which I think that you might fairly call upon the parties to do so.

1096. You think that there are many cases in which you might call upon the parties as a condition of the allotment to provide, by some arrangement among themselves a convenient space of ground for the people of the parish, and of the neighbourhood?—There are some such cases.

1097. When you go down to see one of these places which are to be inclosed, who makes the arrangements; do you find that certain proposals are made to you with reference to allotments, or with reference to recreation ground, or do you direct them yourself?—A form of application is sent to the parties by the Commissioners, which contains certain items, which they have to fill up.

1098. Then, generally speaking, when you go down, I suppose that you find a quantity proposed by the parties on the spot?—I have referred to the 12 cases in the present report, and there was not a proposal in any one of those cases that an allotment should be set out.

1099. From whom do the proposals principally come; from the landowners, or from the farmers?—They come from various parties.

1100. I take it that as a rule the lord of the manor is always one of the applicant parties?—No.

1101. Am I to understand that in no one of the cases where proposals were made to you for an inclosure, did the parties propose to give anything to the poor in the way of allotments or recreation ground?—Yes, that was so in these 12 cases with which I have had to deal.

1102. In none of those cases did the parties propose to give anything to the poor in any shape?—I believe so. The answer, generally speaking, is that it is quite unnecessary. At Saxlingham it was said, "This is reserved for consideration at the meeting."

1103. In how many of those cases was the lord of the manor one of the applicants?—In the Hunston Inclosure Mr. Johnstone appeared for himself and his co-trustee as lords of the manor.

1104. What did he say with regard to allotments for recreation, or for the poor?—"No."

1105. You said that you knew many cases in which the public had been excluded from commons where game was preserved there. In what way was the right of sporting as against the public enforced?—The gamekeepers watched the common.

1106. Was it by action of trespass, or by a summary proceeding under the Game Laws?—In one or two cases there were summary proceedings under the Game Laws. I remember one case where I had to set out the boundaries of Selston in Nottinghamshire, and summary proceedings were proved before me.

1107. It is necessary, in a summary proceeding under the Game Laws, to give some evidence that a man is in pursuit of game, either by a dog or in some other way; but supposing that a person was simply taking recreation upon that ground, he could not be proceeded against under the Game Laws?—He could not.

1108. Do you know any instance in which the right has been enforced against a person who was not in pursuit of game?—None whatever.

1109. And that has been so whether the land was land which was preserved for game purposes, or not?—Just so.

1110. Therefore it would only be in the case of persons who were actually engaged in the pursuit of game that proceedings would be taken against them?—Yes; and these facts were put in evidence before me to prove the boundary, and whether the land belonged to one manor or another.

1111. Can you state for how many days altogether, upon these 12 inclosures, you were engaged on the spot?—I do not think that I was engaged for more than one day in any meeting, excepting the case of Withypool, where there was a question as to the ownership of a manor, and there I was obliged to adjourn the meeting; but with that exception, I do not think that more than one day was occupied.

1112. And I suppose that that would be about the average in the course of the year?—Yes, there is scarcely ever more than one day occupied, except there is a legal question.

1113. Then, practically, as regards the period occupied with reference to these inclosures, they might be carried on in a very short time; the number authorised for the year is 14?—That is the number in this report, but not the number during the year; that is the January report, but the Commissioners may make another report.

1114. On the average, how many inclosures do you recommend in a year?—It varies very much; it may be double that number; there are not so many now as there used to be.

1115. Mr. *Lowther*.] At these meetings, when you first go down and examine into these matters, do the poor come to take any active part themselves, or are they represented?—Sometimes

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Sometimes they are represented by a solicitor, or some gentleman who acts for them; but very seldom.

1116. I think that it is proposed that, in advertising your meeting, the sections of the Act should be quoted?—That has been suggested.

1117. Do you think that the poor would understand the sections of an Act of Parliament?—I am very doubtful upon it; there is no harm in having them advertised; there is very little expense.

1118. Mr. *Pease.*] You gave as an instance, in reply to a question from Mr. Fawcett, whether you would reserve ground for public purposes, the case of Kynance, in Cornwall, were you said two acres were reserved?—Yes.

1119. Do you consider that sufficient?—I merely mentioned that case as an illustration of land reserved where the public have a right over it; but I did not mention, that in addition to this land, there is a village green reserved of four or five acres.

1120. Whereabouts is that reserved?—Abutting upon the village of Lizard.

1121. Have any reservations been made of the public rights as between the Lizard and Kynance, and Mullion, where the public, as you are aware, spread over the most beautiful parts of the Cornish coast?—I do not exactly remember where Mullion is.

1122. Mullion is west of Kynance, or perhaps nearly north?—I think that there are no rights over it. I am not sure whether that is a part of the common.

1123. It is all open?—But a great part of it has been awarded, and the Commissioners have no right to deal with it.

1124. As regards the question which was asked you by Mr. Harcourt, as to turning the public off where the land is preserved for shooting, is it not the fact that the gamekeepers turn off the public, and that those lands are kept strictly private?—They undoubtedly turn them off; but I was asked whether any proceedings were taken.

1125. Is it not the case, that the public are so turned off, and that the moors are kept strictly private?—Yes.

1126. Mr. *Lowther.*] Are you acquainted with the moors in Cumberland and Westmorland?—Yes.

1127. Are the public turned off there?—Yes.

1128. Are people who are looking after their sheep turned off?—Those are commoners; I have expressly excepted them; they would not be turned off; and it is those rights which make the moors subject to inclosure, for they are common rights.

1129. Mr. *Leveson-Gower.*] I have understood it to be your opinion that the rent which should be asked for the allotment ground should be according to the agricultural value of the land?—The rent is, according to the agricultural value, at least not less; the Act directs that; I have nothing to do with the inclosure after I hold the appeal meeting, that is a matter for the alottment wardens.

1130. I have understood you to say that the lords of the manors have never brought actions, because if they did so they would only get a farthing damages against trespassers?—Yes, not being trespassers against the gamelaws.

1131. I suppose that that is because they would be trespassers interfering in no way with the enjoyment of the common by the lord of the manor?—Yes; and that would apply equally to inclosed land.

1132. Therefore the right of these parties to walk over these commons is subject to the condition that they in no way interfere with the enjoyment of the commons by the lord of the manor?—I should presume so.

1133. Mr. *Martin.*] I do not think that on the former occasion you and I understood each other with regard to the exchanges. Are you not now obliged to give an acre of good land for an acre of common land; if you wish to exchange a portion of a common for a portion nearer the village, I believe that you are not obliged to take into consideration the value?—You must take into consideration the value if you exchange the situation to inclosed land; sometimes I have set out allotments in wild tracts, where it has been impossible, to tell which is the best place. If you exchange land on the common for other land on the common, then it is acre for acre; but of course nobody having land near a village would give up an acre of his good land for an acre of bad land. If I see that there is a probability of an exchange, I always direct a large portion of the waste land to be set out, so as to ensure a fair allotment on exchange.

1134. Mr. *Fawcett.*] Did I rightly understand you, in reply to Colonel Barttelot, to state that land used as common, over which the public had been accustomed to rove, was suddenly reserved by the will of the lord of the manor, and that the public were warned off it, and that it was used for private purposes?—Where it is waste of the manor, and the soil belongs to the lord, and the lord has used it for sporting purposes, I have known numerous cases where the lord has proceeded under a summary jurisdiction before the magistrates, and has had the parties convicted.

1135. Have you known any case where that has been done if a man has simply walked over the land?—I do not remember any case where a person simply walking over a common has been warned off or fined for trespass, excepting in grouse moors, where the land has been preserved.

1136. You stated that you knew repeated cases of waste of manors which the public used, and over which they had been accustomed to rove, and that those lands had been reserved by the lords of the manors for sporting purposes, and that consequently the public had been deprived of them?—I have stated that I have known numbers of cases where the lord has used these lands for sporting purposes, and has kept off all persons except those who were there for a legitimate purpose, namely, for depasturing their cattle.

1137. Have you known people warned off who were merely walking there?—No; where the land has been reserved for sporting purposes the gamekeepers will generally not allow persons to come on; if persons are merely walking over, perhaps the keepers would not interfere with them, but if they are there without showing some good reason for it, they would interfere.

1138. Have you or not, known people warned off who were simply there for the purposes of recreation and walking?—Never; where they have been warned off it has been under suspicion that they were there for poaching, but where they

they have been there simply for the purpose of exercise and recreation, I have never known a single case of a person being warned off, except in grouse moors.

1139. Mr. *Knight.*] Has a commoner, who has the right of depasturing cattle, any right to go on the common except for depasturing cattle?—No.

1140. Then the lord could warn him off if he went there for any other purpose?—Yes.

1141. Colonel *Barttelot.*] Supposing an inclosure to be desired by the lord, and the commoners, you would not think its proximity to a game cover an objection to your proceeding with it?—Certainly not.

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Mr. Hugh Browne, called in; and Examined.

1142. *Chairman.*] With what inclosure are you acquainted?—I am acquainted with the inclosure which took place in Nottingham, in 1845 or 1846. More than 1,000 acres were inclosed in Nottingham Park, which is contiguous to the town; there was also an inclosure between Eastwood and Hill Top, with which I am acquainted, and I have a little information with respect to the amount of land which was set out for allotments, and for recreation ground at Selston. Under the Nottingham Inclosure there are about 125 acres set aside for the public, who have fared singularly well in Nottingham.

1143. Where are those 125 acres situated with reference to the town of Nottingham?—The largest portion is on the north side of the town, including the racecourse, and several cricket grounds, and a slope, which is turned into an ornamental walk; that would include, I should say, 80 acres.

1144. And that is contiguous to the town?—It is within the town boundary. The next portion is likewise in the town, and also in the building part of the town; it probably includes about 20 or 25 acres. We also have some land in the meadows, which I believe is under the inclosure, and which is likewise used for a cricket ground; it either comes under the inclosure, or it belonged to the corporation, and was set aside by them. The effect of that is, that the property in the neighbourhood of all that open land has very much increased in value. I may say that the property adjoining the Arboratum generally fetches about 10*s.* an acre.

1145. In fact that recreation ground served the purpose of a park, and a fresh value was given to any ground looking upon it?—Yes, or anywhere near it. I live within 100 yards of it, and I have derived advantage from it, although I cannot look into it.

1146. Have you any complaint to make with reference to the Inclosure Act, or the manner in which it has been carried into effect?—Not at all, but quite the contrary.

1147. You wish to inform us of the advantages which have accrued from this large amount of recreation ground being set apart?—I do.

1148. Have you any information to give with reference to the allotment gardens for the labouring poor?—Under that Act I believe that there are no allotment gardens; those are already provided out of land belonging to the corporation, for which there is a rent.

1149. Is there any other point which you would wish to mention?—I thould like to speak of Nottingham Park. The site of Nottingham Park I am well acquainted with; I believe that it came to the Dukes of Newcastle in the time of Charles the First, but it has always been open ground until the first inclosure began about 45 years ago, and then building began. The first buildings were on some of the finest building land in the kingdom, and overlooking the Trent Valley; and as there was a great want of building land in the town before the Nottingham inclosure, nobody complained.

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1150. Colonel *Barttelot.*] Do you know whether any rent was asked by the Duke of Newcastle with regard to that inclosure in the town?—I believe that he had nothing to do with it; his land is just outside the town.

1151. But the waste is his?—Yes, but it is just outside the town. I should like to mention the way in which an inclosure has taken place between Hill Top and Eastwood. Until nine years ago it was a piece of land of about 15 acres, and it was the great cricket ground of the neighbourhood, and a great place for sports for a great mining population; it was inclosed without any Act of Parliament, on an order of the Commissioners, and by the simple will of two Inclosure Commissioners.

1152. *Chairman.*] Have you anything further to suggest to the Committee?—I would suggest that there should be, what there is not in the present Inclosure Act, namely, a clear recognition of the public right to go over open land.

1153. Mr. *Fawcett.*] Have you any suggestions to make with regard to the improvement of the Inclosure Act?—The main point which I should suggest, would be the recognition of the right of the public to go over open land.

1154. You suggest that the right of the public to go over commons should be recognised by Act of Parliament: in what way would you carry that out, because if you recognised it generally it would of course prevent all inclosure?—Yes, and I would have it carried out less by a Parliamentary Act than by the act of some local body, such as the quarter sessions.

1155. Am I to understand that your proposal would be, that, in order properly to protect the interests of the public, an inclosure before it was finally completed should be laid before the quarter sessions, or some other local tribunal?—Yes.

1156. Have you known any lands inclosed in the neighbourhood of Nottingham, over which there were footpaths, which have been shut up in consequence of the inclosure?—I cannot speak as to legal inclosures, but there were many paths over Nottingham Park which have been quite disregarded. The legal inclosures took place before my recollection, but upon examining the titles I have found that they have taken place in many parishes around Nottingham, and the effect of that is that although centuries ago there was plenty of recreation ground, there is now hardly a yard of any land for public recreation.

1157. Do you state that although half the county was open land, there is now scarcely a yard reserved for the public?—In 19 cases out of 20 there is not one yard reserved for the public. When I speak of legal inclosures I mean those by Act of Parliament, or under the

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authority of an Act of Parliament; when I speak of illegal inclosures I mean what takes place merely by the act of the proprietor.

1158. Do you assert upon your local knowledge that a great portion of this land has been inclosed without Inclosure Acts?—No, the greater part of it was inclosed 70 or 80 years ago by Inclosure Acts.

1159. And nothing was reserved to the public?—Nothing.

1160. Have there been any Inclosure Acts since 1845 affecting Nottinghamshire?—There is a common now inclosed, namely Selston Common, of 800 or 900 acres, and I believe that only five acres are to be set aside for public recreation. It is in the midst of a mining population who very much want public recreation, and for want of it miners are to be seen kicking their heels without knowing what to do with themselves.

1161. From your knowledge in that district, do you think that five acres is very inadequate, and that a great advantage would result from more land being reserved?—I think that a very great advantage would result from it; five acres will not give an acre a piece to each village which now participates in the advantage.

1162. Have you any idea of the population of those districts?—There is Colnor Park, which is a very large place, and which is the seat of the Butterley Company.

1163. What is its population?—About 5,000 or 6,000 persons.

1164. What is the population of the other places?—The others are small villages.

1165. Have you any idea why more land was not reserved as recreation ground at the time of the inclosure?—I was asked why the poor did not take an interest in these inclosures. Generally the poor are excessively ignorant of these matters, and, besides that, they dare not do it in opposition to the landed proprietors.

1166. Then your opinion is that the reason why some agitation was not got up in Selston for a larger allotment of recreation ground, was partly from the fear of the proprietors, and partly from ignorance?—I am speaking generally. In Eastwood no one ventures to raise the question; it would be ruinous to him to do so.

1167. Do you think that it would be advantageous to have the sections of the Act of Parliament relating to the labouring poor published in the neighbourhood?—I do; and if I may offer another suggestion it is this, that in corporate towns there is much greater freedom.

1168. Take a town with a population of 50,000, you think that notice of the inclosure should be sent to the corporate authorities of that town?—Yes.

Mr. Nathan Wetherell, called in; and further Examined.

Mr. *N. Wetherell.*

1169. *Chairman.*] Have you any information to give as to the decisions of courts of law upon the questions to which you have referred?—Yes.

[*The Witness delivered in the following Paper:*—]

"Lewes Spring Assizes, 1862.

"*Swinge* v. *Dowell*, 2 Foster & Finlason, 845.

"Evidence that in a place of resort for pleasure, as a wood or the like, people have gone about wherever they pleased, there being no definite enduring trackway in any particular direction, but merely temporary and transitory tracks, not passable in wet weather, and varying every season, and never proved to have been repaired. Held, not evidence on which a jury could properly find either a public highway or a public right of resort for air and exercise, or a prescriptive right of way.—Justice *Wightman.*"

"*Fitch* v. *Rawlings*, 2 H. B. L., 393.

"Where held, that a custom for the inhabitants of a place to play games there is good, but not for strangers or persons coming there."

"Vide *Smith* v. *Tyson*, 9 A. & E., 406."

"Kent Spring Assizes, 1862.

"*Chapmon* v. *Cripps*, 2 Foster & Finlason, 365.

"The mere use by people of tracks in a wood where they were free to wander about as they pleased, is not necessarily enough to show a dedication of such tracks to the public as public footways.—C. J. *Erle.*

"Jury found verdict for plaintiff."

Mr. Hugh Seymour Tremenheere, called in; and Examined.

Mr. *H. S. Tremenheere.*

1170. *Chairman.*] What is the Commission on which you are at present engaged?—The object of the Commission is stated to be "to inquire into and report upon the employment of children, young persons, and women in agriculture, for the purpose of ascertaining to what extent, and with what modifications the principles of the Factory Acts can be adopted for the regulation of such employment, and especially with a view to the better education of such children."

1171. In what way do you consider that the cultivation of garden allotments come within the scope of the inquiry entrusted to that Commission?—Because they have a very direct effect in improving the pecuniary resources of the agricultural labourer.

1172. Is it your opinion that the advantages to be derived from a garden allotment extend so far as to enable a cottager to defray the expense of sending his child to school?—Yes, to a certain extent.

1173. In one portion of your first Report there is a Table showing how the Inclosure Commissioners have disposed of the number of acres inclosed under their authority since 1845, and it there appears that out of 320,000 acres inclosed, only 2,119 acres have been assigned for the use of the labouring poor as garden allotments?—Yes.

1174. Will

1174. Will you state the data upon which that Table was prepared?—I prepared that Table myself by carefully examining all the reports of the Inclosure Commissioners from 1845 to the present time.

1175. May we understand that those figures are accurate?—I am afraid that they are not altogether accurate; they are as accurate as I can make them, after a great deal of labour and trouble. I submitted the Table to two of the Inclosure Commissioners, namely, Mr. Caird and Mr. Ridley, who were the only gentlemen who happened to be in London at that time, and I received the table back from them after some days, saying that they had examined it as well as they could by the aid of one of their clerks, and that it was substantially correct.

1176. Those figures being substantially correct, are you of opinion that the number of acres which have been assigned for allotments for the labouring poor is smaller than, *primâ facie*, it would appear that it should be?—That was the impression which was produced on my mind, namely, that, *primâ facie*, that quantity so allotted was a very small one.

1177. Are you still of opinion, after a full consideration of the subject, that the amount is too small?—I am afraid that, in order to answer that question satisfactorily, I must trouble the Committee with a few figures, which are the result of the consideration which I have subsequently given to the matter.

1178. Mr. *Knight.*] Were those 320,000 acres, to which you have referred, waste of manors?—They were subject to the discretion of the Commissioners, as regards assigning allotments out of them to the labouring poor.

1179. *Chairman.*] What remarks do you wish to make with reference to that table?—That table suggested to me several points for consideration, which I will, with the permission of the Committee, now enumerate *seriatim;* it struck me,—

First, that the number of acres assigned as public allotments to the labouring poor seemed to bear but a small proportion to the total number of acres assigned, subject to the discretion of the Commissioners.

Secondly, there appeared to me to be an absence of any definite rule, supposing such a rule possible, as to the proportion to be set aside for the labouring poor out of the land to be inclosed.

Thirdly, the reasons given in certain cases for not assigning public allotments to the labouring poor, namely, that "the poor had gardens already," or that the land was "distant from the cottagers' dwellings, elevated, or otherwise unfit for garden allotments," appeared questionable, as not in accordance with the spirit and intentions of the Act as to be gathered from the Report of 1843 and the Debates in Parliament.

Fourthly, although power is given to the Commissioners to frame regulations for the letting of the allotments, to be in force for five years, it does not appear from the annual reports whether this power, be it desirable or practicable, as the case now stands, or otherwise, has ever been exercised; neither does it appear whether any steps have been taken to ascertain whether the land allotted has been properly dealt with, and whether it has been valued every five years, as required by the Act, for the purpose of keeping a check upon the allotment wardens, and prevent its being let at a higher rate than that prescribed by the Act, namely, what it would be worth for farming purposes; and whether the rents have been collected and paid over for the purposes directed by the Act.

Fifthly, it appeared worthy of consideration on examining these reports, whether periodical returns (perhaps once every five years) might not be required, not only of the land assigned in public allotments under the Act, but of the total quantity of land occupied in cottage gardens, and field allotments in England and Wales.

Sixthly, I would submit for the consideration of the Committee whether it would not be satisfactory to Parliament and the public, if the results of the operations of the General Inclosure Act since its commencement in 1845 should be brought out by the Inclosure Commissioners from their annual reports, somewhat after the form of the table in section 296 of our Report, and the results of each year added as they arise.

On each of these points I shall be glad to be permitted to make successively such observations as have occurred to me.

With regard to the first point, namely, the apparently small proportion which the number of acres assigned as public allotments bears to the total number of acres inclosed, never having had occasion to examine these questions before, and feeling bound to give the Inclosure Commissioners the fullest credit for the manner in which they had carried the Act into effect, I guarded my colleague and myself in the comments which I offered in section 297 of our Report, from any appearance of assuming that my interpretation of the results brought out by that table was the correct one. I thought that *primâ facie*, a case was presented for inquiry, and that if the views of the Inclosure Commissioners were in accordance with the Act, it might fairly be open to consideration whether the Act itself might not now with propriety be amended in some few respects, after the experience of nearly 25 years since it passed. The first point which I wish to submit to the consideration of the Committee relates to the figures of the table, showing that of 261, 255 acres assigned, subject to the discretion of the Commissioners, only 2,119 were assigned as public allotments to the labouring poor.

1180. Mr. *Knatchbull-Hugessen.*] Does that include recreation and labouring poor allotments?—No, not recreation grounds, but only garden allotments, called by the Commissioners public allotments, to distinguish them from the allotments set out on behalf of common rights. *Primâ facie*, as I have observed, this quantity assigned as public allotments is very small. The question is, what proportion does it bear to the quantity which ought to be assigned with reference, first, to any principle indicated in the Act, which might be taken as a guide; and secondly, to any principle that may be suggested on general considerations.

The only principle indicated in the Act refers to the size of the gardens into which the total allotments in any one case is to be divided, By section 109, the total allotment is to be "let in gardens, not exceeding a quarter of an acre each," to the poor inhabitants of the parish. The Commissioners, therefore, may be entitled to consider that in

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determining the total allotment in any case, they are required to keep in view the fact that the portions into which it is to be divided in gardens among the labouring poor, must not exceed a quarter of an acre each. Subject to that limitation, the question arises, does the quantity assigned in allotments bear a proper proportion to the whole quantity assigned? One of the Inclosure Commissioners, Mr. Caird, with whom I have had the advantage of discussing these points, puts the matter thus: The total quantity inclosed, subject to the discretion of the Commissioners, is 320,855 acres. Assuming that the cultivation of that quantity of land requires an average of two men per 100 acres, there will be (3208 × 2 =) 6,416 persons for whom a garden allotment should be provided. But the Act requires that no garden allotment should be larger than a quarter of an acre. The number 6,416, divided by four, gives 1,604, as that of the number of acres that ought to be so applied at the above rate. But the Inclosure Commissioners have assigned 2,119, or 515 acres in excess of that estimate. In assuming the above figure of two men per 100 acres, Mr. Caird has pointed out to me the coincidence that whereas the census of 1861 gives the total number of agricultural labourers in England and Wales, of 20 years and upwards, as 745,977, the assumed proportion of two men per 100 acres for the total area of England and Wales (37,000,000 acres) gives 740,000, or almost the identical number. But I venture to submit, whether a fairer ground of comparison would not be arrived at by eliminating the waste land from both sides of the calculation. Of the total area of England and Wales, namely, 37,000,000 acres, the agricultural returns for 1868 show that the total average, under crops of all sorts, and permanent pasture (exclusive of heath or mountain land) is 25,542,427 acres. At an average of three men per 100 acres, this would give 766,272 men, a number so little in excess of that of the census number of 745,977, as to justify the number three as affording a close approximation to the average employed per 100 acres in the cultivation of the land. On the other hand, if from the total of 320,855 acres of the land inclosed, subject to the discretion of the Commissioners, the 30,103 acres given in the table as elevated land, unsuited for gardens, be deducted, there would remain 290,752 acres which, at three men per 100 acres, and a quarter of an acre per man would give 2,180 acres as the quantity which, on this calculation, ought to have been allotted by the Commissioners, a quantity only exceeding by the trifling amount of 61 acres that which they have allotted. Again, applying the principle of three men to 100 acres, and a quarter of an acre allotments to the 261,255 acres out of which the 2,119 acres, as given in the table, have been assigned, it will result that, at the above rate, the quantity which ought to have been allotted would be 1,959 acres, whereas the Commissioners have allotted 2,119. I am glad, therefore, that the closer investigation, as far as the available data permit, of the results of the action of the Inclosure Commissioners in this respect shows that the total quantity of land assigned by them in public allotments, although *primâ facie* small when compared with the total quantity assigned, is nevertheless, as far as calculations founded on averages are concerned, such as amply to satisfy the proportions indicated, as far as they are indicated, by the Act. In using the word "averages," I lay stress upon that word in order to show the Committee that I shall have to recur to it subsequently. But on the other hand, and as qualifying this view, I have a few remarks to make. I take the liberty of further submitting to the Committee, whether in the present day, with the increased experience of the value of a good-sized allotment to a labouring man, with the greater confidence in the system than existed in 1845, and with the increased and increasing desire on all hands to improve the condition of the labourer by every mode that the most just and liberal views can suggest, it would not be desirable to untie the hands of the Commissioners, and the allotment wardens, in so far as regards the present limitation of the allotment garden to a quarter of an acre. I am aware that much is to be said, and that much has been said before this Committee against this view. The generally received opinion undoubtedly is (and it is held by many persons of the highest independent authority in the matter, as well as by most respectable occupiers of land), that a larger allotment than a quarter of an acre (many persons say even less) cannot be well managed by an ordinary agricultural labourer, or that if well managed, it is at the expense of the time and strength which he owes to his employer. There is unquestionably a great mass of very weighty evidence to that effect. Nevertheless, I shall be able to show to the Committee that this opinion is far from being universal, that it is subject to several qualifications, that there is a considerable amount of opinion and experience on the other side, and that the question is very different when you are considering the matter of the inclosure of waste lands, from what it is when you are simply dealing with allotments voluntarily made in default of cottage gardens for the use and benefit of the labourers on an estate. In the former case, namely, that of allotments out of lands about to be enclosed, it is expedient to keep in view the fact that, the inclosure being once made, all future opportunities are extinguished by which the labouring man might acquire a right to a portion of it as waste, by grant, or user, as heretofore; that its value when inclosed is often greatly enhanced to the respective owners, among whom it is divided. And that it is therefore equitable to the future generation of labourers to reserve a portion of land for their benefit, calculated according to a liberal estimate of future requirements; and it is also important to observe that other classes of labouring men, besides those working on the land, namely, the artisans of villages and towns, are in very many cases interested in the question. Fully acknowledging, therefore, the fact that opinions, especially the farmers' opinions, very greatly incline towards limiting allotments to plots not exceeding a quarter of an acre, I am nevertheless able to refer the Committee to nearly 30 very important witnesses in the Report on Allotments of 1843, and in the Appendix to our First Report (the only one yet published), whose testimony shows that, in point of fact, allotments larger than a quarter of an acre, namely from one-third to half an acre, are given with much benefit to the labourer, and as far as appears, without loss to, or objection from the farmer, and that, among these, half-acre allotments exist in some localities in considerable numbers. The evidence on this point shows that the question

tion of the propriety of half-acre allotments depends upon circumstances which vary both in localities and with individuals. It depends on the nature of the soil, on the situation of the allotments, as to whether they are very near the cottager's dwelling, or otherwise, and on the skill and industry of the labourer, and the size of his family. It is justified also in the case of men who are not sure of constant employment, and of old men unequal to hard work. It is often also of great benefit to some classes of artisans who are occupied in sedentary trades.

In order to elucidate this point, I am afraid that I must trouble the Committee by referring to many of the pieces of evidence which are annexed to the Appendix to our First Report, and also by making a few extracts from the Report of 1843. At page 459 of the Appendix, Part 2, to our First Report, there is the evidence of the Rev. C. A. Yate, who states as follows: "I have 31 acres of land which I let in allotments of from a quarter to one acre; half-an-acre is the usual amount. The cottagers plough their allotments; they either hire a plough, or in some cases their employers plough it for them. I let them grow what they like. They pay 3 *l.*, or in some cases 3 *l.* 10 *s.* per acre, and pay tolerably punctually. I have a great many applications for my allotments, whenever any are vacant. The farmers have not complained to me about the allotments." At page 442, there is the evidence of James Marriott, a labourer, who says, "I have half-an-acre of ground; I can manage that with my regular work; I would not have so much if I could not grow half wheat. I feel a better man for having that; I could not manage more. I think a man is better off as a labourer with that amount than with two or three acres." At page 456 there is the statement of J. S. Lovell, Esq., who states that he farms 240 acres, which is chiefly his own property. He says, "There are 24 acres of land here left in the hands of trustees to be allotted, at their discretion, to the most deserving of the poor, at the rate of 2 *s.* 6 *d.* an acre, that works well. Each family (married couple) has half-an-acre, and six of the most deserving families have a portion of the land together, on which they can keep six cows. They can manage half-an-acre a-piece, if conveniently situated, without seriously interfering with their ordinary labour."

1181. Mr, *Liddell.*] Will you be kind enough to tell us whether it is 2 *s.* 6 *d.* an acre, or not?—I will have set that right if it is wrong; it is doubtless a nominal rent.

1182. Did that case occur in Northamptonshire?—Yes, at Thornby; it was a donation, and the trustees allotted the land at their discretion to the most deserving poor. At page 309 there is the evidence of Mr. Thomas Hardy, a farmer, who states: "The thing which pacified the men in our district was giving each of them half-an-acre of land at a nominal rent; nobody can tell how much it has added to their prosperity. It is that land which keeps our best labour at Croyland."

1183. Mr. *Martin.*] In what county was that?—In Lincolnshire. Mr. Wilson, of Croyland, says: "The lands are divided into half-acres and roods, the rent paid by the poor varying, according to quality, from 33 *s.* to 50 *s.* per acre. He also states, that this fact induces many people to remain in the town. At page 184 there is a letter from Mr. Kersey Cooper, the manager of the estates of the Duke of Grafton, in Suffolk. He states: "A piece of land attached to the house, or as near as circumstances will admit, is necessary to produce vegetables, &c. The quantity might vary from 30 to 50 rods, according to a man's capacity and requirements; and in instances where there is a large family of boys it would be expedient to extend this quantity for the children's industrial occupation after working hours. I have seen the best results from this arrangement; the parents are encouraged by their own and their children's united industry, and their resources increase in proportion to their wants, with the great advantage of training the boys to frugal and industrious habits, which are not forgotten in manhood." At page 326, Mr. Camm, bailiff to the Speaker, at Ossington, in Nottinghamshire, states: "There are 70 allotment gardens at Sutton, belonging to the Speaker; there is always a list of names of those who want an allotment, and the demand has increased; they pay from 4 *s.* to 11 *s.*, and generally very regularly; the size is from six perches to two roods. If a man grows potatoes on his rood, he will get 15 sacks in a fair year, worth about 6 *l.* to him." At page 152 there is the evidence of the Rev. James Shirley, of Frettenham, in Norfolk, who says: "All but 280 acres belong to Lord Suffield; many have half-an-acre of land; all have gardens." At page 368 there is the evidence of the Rev. C. Overton, relating to Cottingham, in Yorkshire, who states: "A piece of land (25 acres, 37 poles), set out by Mr. Ringrose, let by the half-acre to anyone who will take it, at 2 *l.* half-an-acre per annum, occupied by 30 tenants." At page 121 there is the evidence of Mr. Herbert Jenner Fust, relating to Falfield, in Gloucestershire, in which he states that "there are six acres of allotments let in plots of from 30 to 80 perches, at 3 *d.* a perch." At page 132, Mr. Onslow, who has allotments, says that he has a few half-acre allotments.

1184. In what district is that?—In Gloucestershire. At page 307, it is stated that at Spalding there are a few half-acre allotments. At page 325 it is stated that at Caunton, in Nottinghamshire, there are a few half-acre allotments. At page 401, at Thorne, in Yorkshire, it is stated that there are a few labourers, and small tradesmen who have half-acre allotments. At page 457, the Rev. E. Thompson mentions that a few allotments are over half-an-acre, and that he considers that it fosters the independence of the labourer to have that amount. At page 458, Lord Henley suggests, as the desirable quantity, allotments of from a quarter of an acre to half-an-acre. Then as regards allotments of one-third of an acre, it appears from pages 54, 119 and 121, that it is the practice on Lord Orford's estate, and on Lord Ducie's estate, to give allotments of one-third of an acre. It is also the practice at Hayton, as is stated at page 377. Archdeacon Wise advocates one-third of an acre at page 157; and Mr. Sotheron Estcourt, who is known to have given great attention to allotments for many years, at page 145, says, that in certain exceptional cases, he gives one-third of an acre. Then, with regard to the Report of the Committee of 1843, there is strong evidence upon the subject of half-acre allotments being defensible in certain cases. I had perhaps better draw attention to that point. In the evidence of Mr. Henry Martin, who was

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the first witness examined by that Committee, Lord John Manners asked him at Question 119, "What quantity of land do you consider a labouring man, in full employment, can manage?—One quarter of an acre; 40 rods. Mr. *Childers.*] The general rent of that is 10*s.*?—Yes. *Chairman.* Do you know of any instances where they have had more than a quarter of an acre?—Yes; in some cases, where they have had particularly large families, perhaps 60 rods, and some have had half-an-acre. Have they done justice to half-an-acre?—Quite so; we find them nearly as well cultivated as the allotments of a quarter of an acre. Mr. *Childers.*] If land could be obtained without difficulty, would you, where you had the management of allotments, prefer a quarter or half-an-acre?—Where the families were large, half-an-acre; where they were smaller, a quarter of an acre." At question 199, Sir Edward Knatchbull asked the Rev. S. Demainbray, a gentleman who gave very important evidence before that Committee, "What is the extent of each occupation"? And the answer was, "In general half-an-acre, but when a man is advanced in life, and his strength is not sufficient for a regular labourer, many an old man has his two acres, which he cultivates perfectly, and that keeps him off the parish; I suppose I have half-a-dozen cases of that description." At Question 707, Mr. Gent, a landed proprietor in Essex, was asked by Mr. Stanton, "If a labourer has a large family, do you think half-an-acre too much?—No, for he can employ his children growing up, and can do a great deal in that way. Do you forbid the use of the plough?—In the small allotments, not in the large ones; in the half-acre allotments they borrow a plough and plough part of it up, but in the 20 rods they use the spade." At Question 847, Sir George Strickland was asked by the Chairman, "What should you consider the amount of land which a labouring man can cultivate without interfering with his paid labour?—I should say, on an average, half-an-acre. It might vary, according to the number of his family?—That cannot alter his circumstances very much, when you get a piece of land attached to his cottage; therefore you must take the average, and I should say, on an average, half-an-acre was a good amount." At Question 283, Captain Scobell was asked, "How much land do you let in your parishes to each family"? And the answer was, "I consider the maximum of that let, with very rare exceptions to be from 50 to 60 poles each family."

1185. Mr. *Liddell.*] Your great object is to show that the poor can cultivate more land?—Yes; that in certain cases they can cultivate satisfactorily more than a quarter of an acre.

This amount of evidence may be taken, I apprehend, to show conclusively that in the opinion of many persons of position and experience in various parts of the country, half-acre allotments are in some cases desirable, and that quarter-acre allotments are exceeded in other localities up to the size of one-third of an acre. To continue therefore, the limitation to quarter-acre allotments in the case of allotments assigned from inclosures under this Act would be in many instances to deprive future occupants of portions of land which they would be able to use with benefit to themselves, and without detriment to their employers. Having regard also to the probable progress of the agricultural and other labourers in intelligence, and consequently in skill, it may reasonably be anticipated that a larger proportion of both of them will by degrees be able to manage allotments, if near their dwellings, of greater size than a quarter of an acre, and up to the limit of half-an-acre, with increasing success, and without reasonable objection on the part of their employers. Looking to the future, to the probable progress of the country in population and intelligence, and prospectively also to the moral and material benefit of the labouring classes interested in the question of allotments from inclosures, it may not be unjustifiable to say that in estimating the total amount of allotment in cases of inclosure, the Commissioners should no longer be limited in their view to the division of the total quantity into quarter-acre allotments, but should be empowered to take into account that a certain proportion, say, one quarter, might be divided into allotments of half-an-acre. Assuming this as a principle, namely, that one-fourth may be half-acre, and three-fourths quarter-acre allotments, the effect may be thus exhibited as applied to the figures of the table at section 296 of our report, before referred to. For the 261,255 acres there mentioned, the result would have been, that at the calculation of three men per 100 acres previously stated, 2,448 acres would have been allotted, instead of the 2,119 acres shown in the table, or 329 acres more than have been assigned as public allotments to the labouring poor. If, in the opinion of the Committee, the proportion empowered to be taken might be extended to one-half, to be divided into half-acre allotments, the excess, as applied to those figures, would be 819 acres. This is the measure of the excess, which, if either principle were adopted, would take place in the amount of the public allotments out of the next 261,255 acres inclosed; and so on for the future.

This leads me to the second point to which I have said I wished to direct the attention of the Committee, namely, the apparent absence in the Annual Reports of the Commissioners of any definite rule as to the proportion to be set aside for the labouring poor, out of the land inclosed. In looking through the whole of the Annual Reports of the Commissioners, it will be seen that although, in many cases, a very ample proportion of the land to be inclosed was set out as an allotment to the labouring poor, in many other instances, not including the mountain or moor land, it would appear that the proportion was small, if the supposition be correct that the land was to be inclosed, in order to be brought into cultivation. If it was to be brought into cultivation, it would employ, according to its quality, one, two, three, or more men per 100 acres. I must illustrate this point by briefly calling the attention of the Committee to a few of the cases which I have found scattered through the Reports of the Inclosure Commissioners, in which what appears to be a very small amount of allotment for the labouring poor, has been made, so far as appears from the reports. There is the case of Wilburton, in Cambridgeshire, in 1847, where the extent was 779 acres, but where only two acres where allotted for the poor. There is then the case of Oakworth Common, in Yorkshire, in 1849, of 975 acres in extent, where only two acres were allotted. In Twyford Down, in the county of Southampton, in 1851, 647 acres were the extent, and two acres were allotted. In Lurkenhope Common, in Shropshire, in the same year, there were 596 acres, and only one acre

was

was allotted. I do not mean to say that this is a perfect account, nor am I able to offer explanations which, probably, the Inclosure Commissioners might make, but, looking at their reports, I see a considerable number of cases in which a very small allotment has been made. There is Nazeing, in Essex, in 1855, with 454 acres, where only one acre was allotted. In 1856, at Romsley, in the county of Worcester, there were 348 acres, and only one acre was allotted. At Alderholt, in the county of Dorset, in the same year, there were 842 acres, and only two acres were allotted. At Rogate, in the county of Sussex, in the same year, there were 848 acres, and only three acres were allotted. In 1857, at Ashwell, in the county of Hertford, there were 2,625 acres, and only three acres were allotted. At Bowesmoor, in the county of York, in the same year, there were 12,517 acres, and only four acres were allotted. At Burntwood, in the county of Stafford, in the same year, there were 1,840 acres, and only four acres were allotted. At North Baddesley, in the county of Southampton, in the same year, there were 738 acres, and two acres were allotted. I merely use these instances to show that any person looking over these reports will be struck by the very great variation in the quantity of land allotted. In some cases it will be found that the allotments appear very considerably beyond all proportion to the number of persons who would be likely to be called into existence to cultivate the land, and in other instances the allotments appear to be very small, coupled with the fact that all the inclosures were made with a view to the land being brought into cultivation. I use these instances for this purpose; I say that the averages which I have worked out in the previous part of my statement, do not tell the whole story, and that averages are for this purpose somewhat delusive. I would, therefore, submit that in all cases equity and sound policy point out that the allotment for the labouring poor should be on a liberal scale, bearing reference, not to the existing population only, but to that which may be called into existence by the inclosure and cultivation of the land. The principles, accordingly, which I would venture to suggest as those which should be kept in view are, first, that the amount of allotment should not fall below a certain ratio, calculated on the number of men per 100 acres to which the land, when inclosed and effectually cultivated, might be expected in time to afford employment; secondly, the principles above adverted to, according to which the Commissioners would be enabled to assign as the ratio of individual allotments one-fourth, or one-half, as half-acre allotments, and three-fourths, or one-half, as quarter-of-an-acre allotments.

The third point adverted to for consideration, is closely connected with this branch of the subject. From the table in section 296 of our report, it appears that as regards 19,516 acres inclosed, subject to the discretion of the Commissioners, no public allotments were made to the labouring poor, on the ground that "the poor had gardens already." I beg leave to submit, whether two arguments may not be fairly urged against this view. In the first place, the gardens which the poor have already may not be their own; they may be of very varying size, some very small. Although it may be the general custom of the locality to attach gardens to cottages, the custom may change with changes of ownership; land now in cottage gardens may be wanted for other purposes. Secondly, the plea that the poor "have gardens already" seems to contemplate only the present cottage population, whereas the words of the Act, and the equity of the case, seem to me to point not only to the existing population, whose field of labour would be the land now in cultivation, but to the additional number of labourers, and their families, who must of necessity be brought to the spot when the land is inclosed, if it is to fulfil the general object of inclosure (except in the case of mountain land), namely, that of bringing the land into cultivation. The wording of the clauses of the Act bearing upon this point seems to show clearly that the interests of the future labourers who might be brought upon the land were kept in view. The allotment for the poor inhabitants of the parish (that is under section 109 of the Act) is without limitation as to time or number; the managers of it, "the allotment wardens," are in part to be chosen "yearly." The Inclosure Commissioners are empowered by the same section to frame regulations for the management of the allotments, to be in force for five years; the land is to be re-valued every 10 years, and by section 149 the allotments are referred to as being "held in trust for the poor inhabitants of the parish." Further, by the same section, "the trustees for the time being" may at any time, with the consent of the Commissioners, exchange an allotment inconveniently situated for land more convenient and suitable. Manifestly, therefore, both increasing members and future generations are contemplated, and it is amply shown in sections 300 to 316 of our Report, by quotations from the evidence before the Select Committee of 1843, and by the speeches of honourable Members of leading authority, while the General Inclosure Bill was under discussion, that the interests of "the future cottagers" were kept clearly in view. I am led by these considerations to the conclusion that the reason given by the Commissioners for not allotting land because "the poor have gardens already," cannot be sustained. On the question of the land which is elevated, and unsuitable to garden allotments, I will say a few words before I close my remarks.

The fourth question is touched upon in section 318 of our Report, which notices the fact that up to this time, from the passing of the Inclosure Act in 1845, nothing is known as to whether or how far the 108th and 109th clauses of the Act (vesting in trustees the land assigned as public allotments to the labouring poor) have been carried into effect. We state that "Parliament has provided the means for securing the land in question permanently to the poor, but whether they are in the enjoyment of it the public is in ignorance." I presume to think that it might properly engage the attention of this Committee, whether any system could be devised by which the Inclosure Commissioners could periodically at intervals, perhaps of every five years, be kept informed by the allotment wardens as to the use made of the land assigned in public allotments; whether or not they were appreciated by the labouring poor, and, if not, what were the obstacles to be removed.

The fifth question is referred to in sections 233 and 317 of our Report. It is there suggested

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gested that a return of the total quantity of land in cottage gardens and allotments should be obtained at the same time, and by the same machinery, as the agricultural return, namely, by the officers of the Inland Revenue Department, under direction of the Statistical Department of the Board of Trade. This question has been very favourably entertained by the Board of Trade, and inquiry was made of the Inland Revenue Department upon the subject. The answer was communicated to this Commission in April last, to the effect that the information could be obtained, but that it would be necessary to employ the assistance of overseers and other persons having local knowledge, and that the cost would be between 3,000 *l.* and 4,000 *l.* The Board of Trade, therefore, did not consider it desirable to carry out the suggestion. It may be acceptable to this Committee to be made acquainted with the fact that the cost of carrying the suggestion into effect has been approximately ascertained. Should the Committee deem the suggestion worthy of further consideration, I would only add, that all the purposes in view would probably be sufficiently answered if the inquiry was made once only every five years.

The sixth matter to which I beg to invite the attention of the Committee, relates to the table at section 296 of our Report. I beg leave to submit to the Committee that it would be satisfactory to Parliament, and to the public, if the results of the operation of the General Inclosure Act since the commencement of the Act in 1845 should be brought out from the annual Reports of the Inclosure Commissioners, somewhat after the form of that table. The table contains the facts to be gathered from the statements and figures in those Reports. I, extracted and arranged them with much labour, and the Inclosure Commissioners, as before mentioned, after examining them, assented to their general accuracy. Their absolute accuracy, however, cannot be ascertained without as minute an analysis, occupying much time, as I had subjected them to; and I regret to say that, on lately referring to my original manuscript, I discovered reason to believe that an omission had been made in copying it, which in one portion of the table, that giving the number of acres in which no allotment is made "because the poor have gardens already," caused the quantity stated to be too small. Without venturing to correct the table, I beg permission to submit it to the Committee in an amended and shortened form, which shows the total results up to the year 1867, and the manner in which, for the information of Parliament and of the public, the results of each succeeding year could be tabularised.

[*The Witness delivered in the following Paper:—*]

REPORT FOR 1868.

I.

	Acres.
Brought forward from last report. Total acres inclosed from 1845 to 1867 - - - - -	484,893
Acreage of inclosures confirmed since the last annual report - - - - - - - - - -	
TOTAL acreage of inclosures confirmed since 1845 - - - - - - - -	

II.

The acres, the inclosure of which has been confirmed since the last annual report, have been disposed of as follows:—	
Number of acres coming under section 31 of the Act which gives power to the Commissioners (the common rights being unstinted) to require public allotments for gardens to be assigned to the labouring poor - - - - - - - - - -	
Assigned to lords of manors and other persons having title to a portion of the land inclosed, acres - - - - - - - - -	
Assigned as public allotments to the labouring poor, acres - - - - - - - -	
Assigned to lords of manors and other claimants without any public allotment for gardens being made to the labouring poor - - - - -	
Number of acres not coming under section 31 (the common rights being stinted), and in respect of which the Commissioners have no power to require public allotments for gardens for the labouring poor - - - - - - - - -	

III.

Brought forward from the last annual report. Assigned to lords of manors and other persons having title to a portion of the land inclosed since 1845 -	
Assigned since last annual report (*see* Table) -	
TOTAL assigned since 1845, and out of which allotments have been made to the labouring poor - - - - - - - - -	
Brought forward from the last annual report. Assigned as public allotments to the labouring poor since 1845 - - - - - - - - - -	
Assigned since the last annual report to the labouring poor - - - - - - - - -	
TOTAL assigned since 1845 as public allotments to the labouring poor out of the above acres - - - - - - -	

Witness.] I may also mention that another error in the table has been pointed out to me by Mr. Wetherell, but it was an error which it was impossible for any person not connected with the office to discover. It has been adverted to by Mr. Darby in his evidence, and also by Mr. Bailey Denton, and it is this: the amount which is stated as about to be inclosed very often contains a proportion which is not subject to the discretion of the Commissioners. Mr. Bailey Denton alluded to four instances of that sort, but as there was no notice of it in the report, it was of course quite impossible for any person to discover that that was so. That would unquestionably vary the total figures; but, according to my view, it only affords a stronger reason why the Inclosure Commissioners might be called upon to tabularise the whole of their results up to the present time, and to add the results of every succeeding year.

Having been kindly permitted by the Committee to make this general statement, I wish to enlarge upon a few of the points, and especially since

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since I have had the advantage of reading the evidence of Mr. Darby and of Mr. Bailey Denton, and to call the attention of the Committee to some few of the points there adverted to. The points upon which I wish to say a few words are the following: In the first place, I wish to speak with regard to the fact, that the Act contemplates a prospective population. Secondly, I wish to allude to the suggestion of Mr. Bailey Denton, that it might be possible, by an alteration of the Act, to permit the land to be let to the labouring poor at a higher rent than that prescribed for farming purposes, so as to produce a fund out of which land might hereafter be acquired to be let to the labouring poor. Thirdly, I wish to call the attention of the Committee to the present constitution of the board of allotment wardens, and to make suggestions for its improvement.

With regard to the question whether the Act does or not contemplate a prospective population, I presume to think that references to the Report of 1843, to the Debates in Parliament, and also to the terms of the Act, make out a very strong case in favour of the view that a prospective population was in the mind of the Legislature at the time of the passing of the Act. On the other hand, it has been argued that, even if that is so, there is no need to take the prospective population into account, because it appears by the Agricultural Returns that the population of the agricultural districts is declining. On that point I beg leave to read to the Committee a paragraph in a pamphlet by Mr. Caird, on "Our Daily Food." At page 76 he says, "The proportion between the producers and consumers of food is thus undergoing a marked change. In 1831 28 per cent. of the population of England and Wales was occupied in the business of agriculture. In 1841 it was 22 per cent. In 1851 it had fallen to 16 per cent., not so much from an actual decrease of the numbers employed in agriculture as from the far greater proportional increase of trade. In 1861 the proportion was 10 per cent., and then not only had the proportion diminished, but the actual number had decreased by nearly one-fifth. It is a very remarkable fact, that in the course of a single generation the proportion of the people of England employed in and dependent on agriculture had diminished from a third to a tenth. The only means of arresting this is by providing better paid, and more regular employment in country work, and thus diminishing the temptation of the higher wages of the mines, the factory, and the towns:" so that Mr. Caird, recognising the fact that not only the proportional numbers but the actual numbers had increased, does not treat it as a thing which is to be invariable, and which is to proceed, but suggests that means should be taken to arrest it. Before we accept the fact that the numbers have decreased in any particular locality, I think that it is necessary to consider the causes of this decrease; whether small farms had been extinguished and thrown into large ones, and whether any part of the land had been converted into permanent pasture, and if the latter was the case, whether that process was likely to be one of indefinite extension in this country; and whether it is not the opinion of many practical persons that it has very nearly, if not quite, attained the maximum, and whether the quantity of land suitable for permanent pasture is not restricted by the fact of how much of it will take to feed a bullock—whether in fact one acre will feed a bullock, of which I presume there is no unlimited quantity in this country. Therefore it is hardly a pressing argument in a question of this kind, where the interests of the agricultural labourer are concerned, to be able to refer to the results of 10 years, during which it is an unquestionable fact that the actual numbers have decreased. I think that, as a matter of policy, Parliament is bound to contemplate the possibility of that process being arrested, and that the labourers who will be called into existence for the cultivation of this land which is about to be inclosed will increase. A second reason was suggested why it was not necessary to contemplate allotments for a prospective population, namely, that the landowners would in their own interest provide them when required. Mr. Darby mentions that if it was a matter left to large landowners, and liberal and good landowners in general, there could be no difficulty upon that point, but that the opposition comes from the smaller commoners, and from the farmers. And in point of fact the very Act itself assumes that you cannot rest upon the general principle that allotments will always be given, but that you must take security that they shall be given. Another fact mentioned by Mr. Darby was, that the poor were generally against the allotments, as if they were under a sense that they were likely to be deprived of some priviledge which they had before. It was also mentioned that the setting-out of allotments for a prospective population might encourage the small speculators in cottages to build them without reference to gardens. If a speculator build upon a portion of an allotment of land, the landowners would be equally able to build upon a portion of the inclosed land. In former days the small speculator was a good deal brought into existence. But now, since the law enlarging the area of settlement, the intervention of the small speculator in cottage building is not to be under the system of close parishes, contemplated as a thing always likely to go on, or to be accepted as an argument against providing legally for a prospective population an allotment which would manifestly be for their benefit. I am therefore led to the conclusion that deferred allotments, as they might be called, should be set out, contemplating a prospective population as well as the population now already in existence. Then the question arises, How would you manage it? I should presume to say that the valuer would be able to form a very good opinion from the quality of the land, as to what proportion of labourers would be required to work the land, supposing that it was well occupied, as regards capital and skill, and according to the best knowledge of the day, and that he would be able to say, "Inasmuch as this land is allotted for the purposes of cultivation, if it is properly cultivated it will employ one, two, or three men, per 100 acres." That being the case, a deferred allotment calculated upon that basis might be set out. Then the question arises, How would you let such a deferred allotment; would you confine it to the present regulations of the Act, that is to say, that it should be let only for garden purposes, and exclusively to the labouring poor? I think that, in a case of that kind, the allotment wardens should be empowered either to let that land for garden purposes to a higher class of occupants, or for farming purposes, and that they should be required

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quired to capitalise the rent for future use. If it was let for farming purposes, it is quite clear that there should be an alteration in the Act, and that permission should be given to the allotment wardens to let it for a term not less than 14 years, for the sake of its improvement; and that as the rent accrued, it should be in the power of the allotment wardens either to use it in renting more land if required by the growth of the population, or in assisting them to purchase land more conveniently situated, which is a power which they have not now, but which they ought to have. Without going further into that point, I submit that it is a question for the consideration of the Committee, whether, if a prospective population is to be recognised, a mode of dealing with the land so allotted to them cannot be pointed out. In that respect it would in some way meet the ideas of Mr. Bailey Denton. He proposed that it should be in the power of the allotment wardens to let the land now allotted under the Act at a higher rent than the farm rent prescribed by the Act, and that the surplus should be used in order to hire other land; the said surplus forming, I presume, a guarantee fund in their hands which would secure them against risk in hiring land. If deferred allotments were also to be set out under an amended Act, there would be an additional source from which to derive a fund for those purposes. But in order that any such suggestion should be properly carried into effect, I think that it would be absolutely necessary to alter the constitution of the board of the allotment wardens. I think that there are many reasons, even irrespective of anything which Mr. Bailey Denton has suggested, why that should be done. It appears, according to the evidence, that the allotment wardens are occasionally not appointed at all, and that if appointed they have not acted; and, in other cases, it appears that they have exceeded their duties; and they are under no supervision. I think that those considerations suggest that it is very desirable that very considerable amendments should be made. As to their constitution, it appears very objectionable to unite with them the overseers and churchwardens of the poor. That appears to connect the system of allotments with the idea of their being in some respect in the hands of the poor law guardians; and Mr. Bailey Denton's plan seems to trench, without the modification which I have suggested, upon the principle of three Acts of Parliament which are in existence, but which have been in abeyance from that very cause. The first of those Acts is the Act of 59 Geo. 3. c. 12, in 1819, by which the overseers were empowered, in section 12, "to purchase, or to hire and take on lease, for and on account of the parish, any suitable portion or portions of land within or near to such parish, not exceeding 20 acres in the whole." Then, by the 13th section, it is enacted: "That for the promotion of industry amongst the poor, it shall be lawful for the churchwardens and overseers of the poor of any parish, with the consent of the inhabitants in vestry assembled, to let any portion or portions of such parish land as aforesaid, or of the land to be so purchased or taken on account of the parish, to any poor and industrious inhabitant of the parish, to be by him or her occupied and cultivated on his or her own account, and for his or her own benefit, at such reasonable rent, and for such term, as shall, by the inhabitants in vestry, be fixed and determined." There was another Act passed in 1831, extending the quantity to 50 acres. There was also another Act passed in 1832, with the same object, which Act recites, "Whereas in parishes inclosed under Acts of Parliament, there are in many cases allotments made for the benefit of the poor, chiefly with a view to fuel, which are now comparatively useless and unproductive; and whereas it would tend much to the welfare and happiness of the poor if those allotments could be let at a fair rent, and in small portions, to industrious cottagers of good character, while the distribution of fuel might be augmented by appropriating the said rents to the purchase of an additional quantity." But the Poor Law Commissioners in 1834, in reporting upon the question of allotments, reported that "where the system is carried on by individuals, it has been generally beneficial, but where managed by parish officers, it has seldom succeeded"; and I believe that, since that period, those arrangements have fallen pretty much into desuetude, chiefly because the churchwardens and overseers have had something to do with their management. I submit to the Committee, that if the constitution of the allotment wardens was altered, it might obviate that objection. I think that that body should be composed of the clergyman and two persons nominated by him, and also a fourth member. The clergyman is now empowered to nominate his own churchwarden, and I do not see that there is any objection to the clergyman being allowed to appoint two resident gentlemen who may take an interest in the matter, and I should say that the fourth member should be an elected member.

1186. *Chairman.*] Is it not the law at present that two persons may be elected to sit among the allotment wardens?—Yes.

1187. Are you not aware that that portion of the Act has been to a great extent inoperative?—I believe so, and therefore I would suggest that the clergyman should have power to nominate two persons, which would always enable him to have the assistance of men of influence and independent of the farmers in his parish, and that there should be a fourth member who might be elected by the vestry.

1188. Mr. *Liddell.*] Do you not think that there would be a considerable danger of conflict between the clergyman and the dissenting ministers if you gave the power to the clergyman?—I do not think that there would be. Conflict may very possibly arise on questions relating to schools, or on religious matters; but on the management of allotments it does not appear likely. At present the clergyman's churchwarden is a member of the board of allotment wardens, and I do not know that objections have been made to the constitution of the board on that score. But I merely submit to the consideration of the Committee what I have suggested, because I believe that it is very desirable that the constitution of the board of allotment wardens should be altered.

Tuesday, 15*th June* 1869.

MEMBERS PRESENT:

Colonel Barttelot.
Sir Michael Hicks Beach.
Mr. Thomas Chambers.
Mr. William Cowper.
Mr. Fawcett.
Mr. Leveson Gower.
Lord George Hamilton.
Mr. Lowther.
Mr. Knatchbull-Hugessen.
Mr. Liddell.
Mr. Philip Wykeham Martin.
Mr. Knight.
Mr. Pease.
Mr. Peek.
Mr. Walsh.

THE RIGHT HON. WILLIAM FRANCIS COWPER, IN THE CHAIR.

Mr. HUGH SEYMOUR TREMENHEERE, called in; and further Examined.

Mr. *H. S. Tremenheere.*
15 June 1869.

1189. *Chairman.*] HAVE you any further observations to submit to the Committee, in continuation of the remarks which you made at their last meeting?—I have a few; but before I take up the thread of what I was laying before the Committee the other day, I wish to be permitted to revert to one point upon which I had not an opportunity of fully expressing my ideas. I am desirous of showing clearly to the Committee that I did not step beyond the line of my duty in dealing with this question of the inclosure of waste land. The Inquiries of the Commission of which I am at the head made it evident, as I stated on the last occasion, that the question of allotments bore very distinctly on the condition, and consequently upon the education, of the labouring classes. That led me to look into all the public documents which I could find illustrating that subject, from the latter end of the last century to the present time. Among the most important of those documents was the Report of the Committee of 1843, which dealt not only with the allotments but with the question of waste lands, and on the Report of that Committee the General Inclosure Act was founded. Of course I was led by that to look into the General Act, and subsequently, as a natural consequence, to look through the reports of the Inclosure Commissioners, considering that the whole question bore very directly upon the interests of the labourers in agriculture. I have been desirous of making these observations, not for the sake of setting myself right with the Inclosure Commissioners, who quite understand my reasons, but in case it might be thought by any other persons that I had stepped beyond the strict line of my duty in presuming to deal with this question, and in offering suggestions to the Committee upon it. Having said these few words, by way of explanation, I will resume what I was laying before the Committee on the last occasion, concerning the alteration of the constitution of the Board of Allotment Wardens. It occurs to me, with submission to the Committee, that means should be taken for bringing that Board into more direct communication with the Inclosure Commissioners, for two main purposes: first of all, if they are required to make periodical reports to the Inclosure Commissioners as to the manner in which the allotments have been dealt with, the Inclosure Commissioners would be able to present to Parliament periodically a report founded on those reports; secondly, an alteration of the Act would be desirable by which the Board of Allotment Wardens might be permitted to sell as well as to exchange allotment lands. The Committee are aware, that by two sections of the Act at present, the power of exchange is given. By section 86, the valuer, before the question of the inclosure is settled, is enabled to recommend the exchange of the land about to be set out as allotments, for old inclosures; secondly, by section 149, the allotment wardens are empowered at any time to exchange land. It appears to me, with submission to the Committee, to be desirable that the allotment wardens should have power, not only to exchange but to sell, subject to the approval of the Commissioners, in order to vest the proceeds in land more convenient and more suitable for allotments.

1190. Then your suggestion is, that the power of exchange should be enlarged to a power of sale?—Yes, and the proceeds to be reinvested in land more convenient. At present they can only exchange; they cannot sell.

1191. Would you intrust this power only to the Commissioners, or would you extend it to the allotment wardens?—I should intrust it to the allotment wardens, subject to the approval of the Commissioners.

1192. As the Commissioners are a more responsible body than the allotment wardens, do you see any advantage in taking from them the responsibility of making the purchase under the advice of the allotment wardens, and giving it to the allotment wardens to be the principal parties?—I should think that the allotment wardens, being on the spot, and being locally acquainted with the circumstances, would be better able to carry out that power than the Commissioners.

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1193. Do you anticipate that the allotment wardens will be a differently constituted body from that which they are at present?—Certainly. Then, secondly, assuming always that they are a differently constituted body, I should say that their power of letting should be enlarged. At present they are only empowered, in fact they are required by the Act, to let the land at a farming rent. I think it desirable that this limitation should be no longer enforced. It is very possible that in many cases the pecuniary resources of the agricultural labourer may be so small that it would be a very great boon to him to have an allotment simply at a farming rent; but as long as the land is let below its value, so long I think it must be considered as a sort of gratuity to a labouring man, and a badge of dependence perpetuating the feeling of pauperism, provided he is able to pay a better rent. The higher rent I do not think could be considered in the light of a tax, as suggested by an Honourable Member, because it would really be a rent paid by an independent man coming as a competitor into the market, and he might, from the amount of his earnings, be able to pay it. I find, both from the evidence before this Committee and from other evidence, that in many cases the labourers are able and willing to pay a higher rent than a farm rent. Mr. Bailey Denton mentioned cases where they paid willingly from 4½ *d.* to 6 *d.*, whereas the farming rent would be only 2 *d.*

1194. I think you stated in the early part of your evidence, that you considered that those allotments were of great pecuniary advantage to the labourer; that pecuniary advantage would mainly arise from the rent being fixed at a farming rent; if you were to authorise the allotment wardens to get as much money as they could from the land, would you not then be depriving the labourer of the special pecuniary advantage which he gets from this land?—To a certain small extent. If the Right Honourable Chairman will allow me, I will illustrate how that would tell upon his income. Mr. Bailey Denton stated that the clear profit upon a quarter of an acre of allotment was 4 *l.* That is entirely consistent with a great deal of the evidence in the report of 1843. In the report of 1843 many witnesses state that the net profit ranges from 4 *l.* to 5 *l.* on a quarter of an acre. I find that Mr. Norman, in page 119 of the appendix to our report states the profit to be from 50 *s.* to 118 *s.*, according to size; and it is very rarely, as Honourable Members are aware, that the size exceeds a quarter of an acre. Mr. Culley, at page 134, after a great deal of investigation of the matter, puts the net money value to the labourer of an allotment on ordinary land, at 1 *s.* 6 *d.* per pole, out of which he says he pays 6 *d.* as rent; that is to say, not the rent according to the value of the land for farming purposes, but the accommodation or full rent. This leaves 1 *s.* per pole clear for the labourer. But, at a farming rent of 2 *d.*, supposing the allotment was 30 poles, the net value to the labourer would be 1 *s.* 4 *d.*, amounting to 40 *s.* But if he paid the full accommodation rent of 6 *d.* he would only gain 30 *s.*, of course, from his 30 poles; so that the difference in an allotment of that size would be 10 *s.* If you took an allotment of 40 poles at a farming rent, the clear gain would be 53 *s.* 4 *d.*; if you took 60 poles the clear gain would be 80 *s*; if you took 80 poles it would be 106 *s.* 8 *d.* In each case the difference of net value to the labourer would be represented by the sum of 4 *d.* per pole, to be deducted from the above amounts in case of his paying the full rent of 6 *d.*; but this would still leave him a clear 1 *s.* per pole, which would be such an addition to his income as might have a considerable effect in favour of the education of his children, by better enabling him to dispense with their labour at an early age.

1195. You do not make that suggestion for the benefit of the present occupier, because he is to pay more rent; who is to get the advantage of this increased payment of rent on the part of the present holder?—The allotment wardens should be empowered, under the supposed new constitution of their body, to obtain, if they could, with the sanction of the Inclosure Commissioners, that increased rent from either all the holders, or a certain proportion of the holders, as might be thought expedient under the circumstances of the labourer.

1196. Then does not your suggestion amount to this, that you would tax the present holders of allotments for the benefit of some future persons, who might possibly have other allotments?—I do not look upon it in the light of a tax. I think that it is simply putting the labourer on a footing of independence. Supposing the total earnings of a labourer amount to 16 *s.* or 18 *s.* a week, as they do in North Northumberland and in Yorkshire, and in some other places, he would be perfectly able to pay the full accommodation rent. The labourer in North Northumberland earning those wages has a cow as a portion of his wages, and that cow is not let to him under its market value. You estimate its real value, and it makes a part of his annual earnings. So I say, if he is able to pay the full accommodation rent, why should he not? By giving it to him at a lower rent, I think you lower his feeling of independence. It is very justifiable, I have no doubt, under certain circumstances, where the condition of the labourer is low, that he should have that benefit; but still it is a thing which I think can hardly be dissociated in the mind from the old principle of ekeing out wages through some extraneous source. Fifty years ago the labourers' wages were eked out by the cottage rents being paid out of the rates, and from various other sources. If his cottage rent, even now, is very much lower than the value, that is in point of fact, under a veiled form, paying wages in another shape.

1197. At present the rent of the allotment is fixed by the definite rule of taking the value of the land before the man's spade-labour renders it more valuable than it was before. Supposing that, instead of adopting that rule, your suggestion were to be taken that the rent should be fixed at that which it would fetch in the market, might not this injustice arise upon the cultivator of the ground; that after he had spent his own hand-labour upon it, and had raised it to a very high state of cultivation, such as in the case of a market garden near a town, he might then be obliged to increase the rent that he paid in consequence of the improvements which he himself had made upon the land?—I do not think such a case would be likely to arise. The allotment wardens would be men to be trusted in a matter of that kind, I should think. If the allotment was newly taken in and required a great deal of extra labour, any board of just men would put the land at nothing beyond the farming rent; and so it would be likely to remain,

just

just as any other landlord would allow it to remain, until the occupier had had his full value out of his improvement. But supposing that another generation came, and a subsequent tenant several years afterwards enters upon that land so improved, so that it would require no additional cultivation, and no additional expense, in that case I should think it just, provided that it be done without undue pressure upon the resources of the labourer, to let it at a higher rent.

1198. Does it not often happen that in the neighbourhood of towns, accommodation land is let at much more than its fair value, simply because there are certain persons to whom it is a very special object to have that land; and might not the same thing occur with regard to those allotment gardens, viz., that they might really be let above the value at which they would be let to an ordinary labourer, because somebody might offer to take them, desiring them for a very special reason?—That somebody could, under the Act as it stands, only be some other agricultural labourer; the allotments, as under the present Act, ought not to be thrown open to any higher class; I assume that the same class of people would have it; but if an agricultural labourer, or an artizan, were to offer a higher rent, I think the allotment wardens ought to have the power to accept it, subject, as their proceedings are proposed to be, to the revision of the Inclosure Commissioners.

1199. What was your next suggestion?—The last point which I wish to have the honour of noticing to the Committee, is a point which has connection I think, with the above question, supposing it was entertained by the Committee. Assuming that it may be the desire of the Committee that the Act should be altered, I would beg to call their attention to a clause in the Bill which was introduced in 1845, and which went through the House of Commons, but failed in the House of Lords. That Bill was brought in, I believe, by the Right Honourable the Chairman of this Committee. The clause in this Bill, to which I am about to refer, was designed for the purpose of facilitating the taking of land for allotment purposes, which was already under lease; and it was to prevent the necessity of a new lease in case both landlord and tenant might be willing to let land for allotment purposes. The clause was intended to give that power without disturbing the covenants of a lease, and therefore as we have been contemplating the sale of the present allotments, and the reinvestment of the money in more convenient allotments, and also contemplating a different power of letting, I should presume to suggest to the Committee, whether a clause of this kind might not be properly introduced into any amended Bill: "Be it enacted that, when any lands are held under any lease for a term of years, it shall be lawful for the lessor, with the consent of the lessee, to resume possession of any portion of the said demised lands for and during the residue of such term, without in any way affecting, disturbing, or making void the said lease or the covenants, conditions, and provisoes therein contained or any of them, so far as the same relates or relate to the residue of the lands therein contained; and the amount of the rent payable on behalf of the said portion of the demised land, of which possession has been resumed, shall be endorsed in a memorandum on the said lease, and the said lessee, his executors, administrators, and assigns shall be discharged and exonerated from so much and such part of the rent reserved in the said lease as is mentioned and set forth in the memorandum." I have slightly altered the wording from that of the clause in the Bill of 1845.

1200. Would you entrust that power to the allotment wardens, as at present constituted, or under some change?—Under the change which I have presumed to sketch out.

1201. The change, I think, which you suggested was, that the minister of the parish should have authority to name two allotment wardens; was that your idea?—Yes; and that another member should be elected.

1202. Supposing the Act were amended to that effect, what security would there be against a failure from negligence, or other causes, on the part of the clergyman and the electors to name this body of allotment wardens?—No more security than there is at present under the Act, but a better probability.

1203. At present, under the Act, the allotment wardens are permanent official persons who must always be in existence, and who have succession, and therefore, without the act of any person whatever, those allotment wardens, consisting of the churchwardens and overseers and the minister of the parish, are always in existence; would you not lose that advantage if you trusted to a selection or a nomination, which might possibly not take place, since there is no security in the Act that it should take place?—You would have the clergyman as a permanent officer; and it is often found now that, although there is succession in the body, in point of fact the churchwardens and overseers do not act, and that nobody is elected.

1204. Do you conclude then, that the duties under this Act are often considered so onerous that no one is willing, of his own accord, to undertake them?—It may be that it is in consequence of the duties being onerous, but I should hardly think that that would press very much as a general fact. I should be more inclined to attribute it to the disinclination of the churchwardens and overseers to take a part in it, inasmuch as they are very often farmers themselves, and they have a leaning rather against the allotment system.

1205. But, whether the duties of the allotment wardens are considered to be onerous, or whether there is a prejudice against their exercise, or whether the matter is thought of too little importance to be paid attention to, is it not the fact that that part of the Act which has directed that two allotment wardens should be elected by the ratepayers, has not been put into execution?—Certainly; and for that reason I would venture to submit to the Committee that power should be given to the clergyman to select two gentlemen to act with him, inasmuch as it may be assumed that the clergyman is most likely to take an interest in it, and that he would find persons in the parish willing to enter into it with him and prevent that failure.

1206. You also stated, that there was to be associated with him, one person elected by the ratepayers; have you reason to suppose, that under the new constitution that person would be more frequently elected by the ratepayers than he is at present?—If he was not elected by the ratepayers, there would still be a body consisting of three persons who would be likely, according

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to my view, to carry out the intentions of the Legislature.

1207. But supposing that the clergyman did not execute his power of nomination, it would still remain then, that the clergyman of the parish would be the only person acting, would it not?—Yes.

1208. And yet you consider that larger powers might be entrusted to so small a body as that, than can be entrusted to the present body, which consists of the clergyman of the parish, with the certain addition of the churchwardens and overseers?—Yes, larger powers, subject to the approval of the Inclosure Commissioners, and connected also with a requirement that periodical reports should be made as to how the allotments are dealt with.

1209. Do you think that there would be really any advantage in eliminating from this body of allotment wardens, those persons bearing office in the parish, who are therefore certain to be always in existence, and always subject to the duties imposed upon them?—I should think that the certainty of their existence is somewhat counterbalanced by the unwillingness with which they are found to perform their duties.

1210. But one of those churchwardens is always nominated by the incumbent of the parish, is he not?—Yes.

1211. Do you apprehend that the person whom he nominated for the office of allotment warden, would be a very different character from the person whom he now nominates as churchwarden?—I should think so. It is very likely to be a landowner, or some independent gentleman in the parish.

1212. I understand, that you do not anticipate any great difficulty in intrusting a body of that sort, with the power to sell land?—I do not, subject to the approval of the Commissioners, and under the requirement that the proceeds should be reinvested in land, more suitable for allotment purposes.

1213. From what fund would they be able to defray the expenses, which must attach to selling and buying land?—I have contemplated the possibility of their being empowered to let a portion of the allotment at an accommodation rent; and to let what I have called the deferred allotment at what they could get for it, subject to the power of resuming it as wanted. I have also stated that I think that it is not desirable that they should be required to pay the net proceeds over in aid of the rates, but that they should be empowered to capitalise it. If they were to do so, a fund which would be small at first would increase, by which they would be able to obtain, in a different part of the parish, land of better quality, from the sale of the poor allotment land.

1214. Would it not be necessary to give them some sort of corporate existence, in order to prevent the fund which they might lay up at their bankers, passing at their deaths to their ordinary heirs?—No doubt it would, but being brought into connection with the Inclosure Commissioners, I presume that it would not be difficult to devise a plan by which the rent might be invested safely.

1215. At present all those difficulties are absent, because the body entrusted with such matters is the Commissioners; do you not think that if this power of selling was given to the Commissioners, they would be always willing, on their public responsibility, to attend to any suggestions, or representations, which were made to them by the allotment wardens?—I have no doubt that it would be so as a mere matter of convenience in administering the fund, which I entirely submit to the better judgment of the Committee. I merely say that I think that one body or the other might be entrusted with the administration of a fund of that kind.

1216. Have you any further suggestion to make for the amendment of the Act?—None.

1217. Have your inquiries led you to the conviction that it is for the public good that all labourers should have the occupation of so much garden ground as they can conveniently cultivate?—Yes; of so much as they can conveniently cultivate.

1218. What do you consider to be, in a general way, the advantages, moral and pecuniary, of the allotments to the labouring classes?—The moral advantages, I have no doubt, are very considerable. As was expressed by Sir Henry Fletcher, in the course of the inquiry before the Select Committee of 1843, the value of the allotment is to be estimated, not only by the money which it brings into the labourer's pocket, but by what it keeps in his pocket, and prevents from flowing out into the beerhouse, and other places.

1219. Do you attach much importance to the labourers having this useful recreation for their leisure hours?—Certainly, very great importance.

1220. And you consider that it is useful to children to have the training which is given them in a garden?—Certainly.

1221. Do you consider that a larger amount of produce is obtained from the soil by garden cultivation and spade husbandry than by farm cultivation?—No doubt.

1222. So that those allotments may be considered to add, so far as they go, to the total produce of the country?—Yes.

1223. Do those advantages of which we have been speaking belong only to agricultural labourers, or do they accrue to a still greater extent to labourers employed in sedentary occupations?—I am not prepared to say that they accrue to a still greater extent, but they accrue very considerably to the artizans engaged in sedentary occupations.

1224. A saddler or shoemaker, or anyone in a village who was occupied in a room all day, would be able to work with greater power in a garden, would he not, than a man who had been farming during the day?—Yes.

1225. And a man who had been engaged during the day in a sedentary occupation would gain more advantage in health, would he not, than a man who had been engaged in agricultural labour?—Yes.

1226. Then would you consider that the giving of allotments should be by no means restricted to persons employed in agriculture?—Certainly.

1227. Are you of opinion, from what you have seen of the subject, that notwithstanding the pains which many landowners have taken to furnish garden-ground to their tenants, a very considerable proportion of the labouring class are still without that advantage?—Certainly.

1228. Is not the demand for land so great that landowners must often find it difficult to appropriate sufficient land for the purpose?—Yes.

1229. Then, if there is this difficulty, do you think that it is specially desirable to get from the uninclosed land ground which might supply the deficiencies

deficiencies which have existed from various circumstances in the neighbourhood?—I do.

1230. You said that you were struck by the absence of any definite rule as to the proportion to be set aside for the labouring poor, out of the lands to be enclosed; what rules do you think could be laid down?—I stated in my evidence last week that I think it possible that a rule might be laid down by the valuer when he values the land for the general purposes of the inclosure, to the effect that an allotment might be set out, in proportion to the number of men likely to be employed per 100 acres, supposing the land to be brought into cultivation.

1231. As the matter must be left to the direction of the Commissioners, owing to the very changeable circumstances of each neighbourhood, would you not say that the rule which should govern the Commissioners, should be to set aside as much land for allotment gardens as would meet the wants of the labouring poor of the neighbourhood, without encroaching too far on the amount of land to be otherwise allotted?—I should think that that would be a somewhat indefinite instruction, and I do not think it is likely that it could be said that to allot land in the proportion which I have indicated, would be encroaching too far upon the total amount subject to the discretion of the Commissioners.

1232. You have mentioned one class of persons for whom gardens should be allotted, viz.: those who may after the inclosure be employed in cultivating it; but are there not other very extensive classes which ought to be considered in the matter, such as, for instance, those who residing in cottages in the neighbourhood of the waste that is to be inclosed, have had the enjoyment of the waste land, but who do not get compensation, because they are mere tenants, and have no property in the cottages in which they reside?—Their case appears to me to be contemplated under the Act at present. The allotment must be set out sufficient for the whole poor inhabitants of the parish.

1233. But if the allotment were only to be set out for those who are employed in the cultivation, might there not be a large number of poor inhabitants who would then get no benefit whatever from the allotment gardens? — The cottagers existing in the neighbourhood of land about to be inclosed, I assume, are employed now on the land now under cultivation.

1234. You speak now of those who are employed on farms, but are there not generally near waste lands a considerable number of persons who are not farm labourers?—There are many persons who live exclusively upon what they have obtained from the waste, or artizans.

1235. Are there not near waste lands many persons who may live in a variety of ways, but who are not actually employed on a farm, such as artizans?—I should hardly think that, in dealing with an agricultural question, you should take into account the increase in the artizan population.

1236. In villages and in scattered hamlets are there not often persons who from age or infirmities cannot be employed in agricultural labour, but to whom an allotment garden would be very suitable?—That is very true; but the condition does not seem to attach in the same degree to the land about to be inclosed to provide for such persons. I consider that, as regards the provision of allotments for a future population, the condition chiefly attaches to those who are likely to be brought into existence by the cultivation of the land.

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1237. In such a case as I have supposed, where the cottagers were enjoying the common (whether by right or by user we do not now inquire), and where they get no compensation, because they are tenants and not landowners, do you not think that they would have as fair a claim as anyone for an allotment garden?—Their claim has been already recognised, by the present Act, in the assignment of the allotment on behalf of those rights; and I do not see myself that they have a further claim upon the land about to be inclosed, except the one now recognised on their behalf, in so far as they are poor inhabitants of the parish.

1238. You would not doubt, I suppose, that those persons would be suffering a loss by the inclosure, but still you think that though they have suffered a loss they ought to be excluded from the benefit of getting an allotment garden; do you not contemplate that those who framed the Act must have intended by setting apart this allotment ground, to prevent them from suffering, and to give them this sort of compensation, so that they might not be neglected, while everyone who had a right of property was taken care of?—I should hardly think that the Act contemplated these individuals from two points of view. They contemplated them as occupiers of cottages, either in fee or belonging to the lord. If the cottages belonged to the lord, an allotment was set out to the lord; if the cottagers occupied cottages of their own, an allotment was set out for them.

1239. But are you supposing that all those cottagers who were tenants and were occupying houses which were not their own, must necessarily be persons who would, after the inclosure, be employed in the cultivation of the inclosed land?—No; I think it highly probable that they are employed in the cultivation of the land which is now under cultivation.

1240. I think I understood you to say that in some way or other they would get a benefit from the inclosure of the land; in what way would their claim for some advantage, to arise to them out of the inclosure of the land, be satisfied?—If they were to be employed in the cultivation of the land to be inclosed they would get a benefit by it.

1241. But as you have estimated that either two or three men only are wanted for 100 acres, must there not arise a very large number of cases where men who have had the enjoyment of a common will not be employed in the cultivation of that common when it is inclosed?—Yes, they are employed in some way or other in the cultivation of the land now under cultivation, and their case is contemplated under the present Act.

1242. Will you state whether it is from the Act, or from general principles, that you have assumed that this allotment ground should be restricted to the use of those labourers who would be employed in the cultivation of the land after its inclosure, to the exclusion of others, either agricultural labourers or artizans, or to the exclusion of other people who are neither agricultural labourers nor artizans, but who still have been residing in the neighbourhood of the common, and have enjoyed it?—Perhaps I am wrong in limiting it to that extent. But I believe I misapprehended the scope of the question. My meaning is that the Act provides distinctly for the case of the

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the existing "poor inhabitants," and contemplates, though it does not so distinctly refer to, a future population, for whom allotments would be equally desirable, and who have an equitable right to the consideration of Parliament.

1243. Do you find anything in the Act of Parliament which would point out that that was the particular class who were to be benefitted by those allotment gardens?—Certainly not; I insisted so much upon the necessity of some rule of that kind, principally with a view of securing to those who were likely to be called into existence in the cultivation of the land, an allotment which I find they do not now always get.

1244. Then there is another class of persons who reside in the neighbourhood, within such a distance of the allotment ground as that they might conveniently cultivate it, and who would come under the general designation, as used in the Act, of "labouring poor," but who have had no enjoyment of the common while it was waste, having simply the claim of neighbourhood, without any other claim whatever, and who neither have, nor are likely to have, any common rights; might they not also have a claim to be considered by the allotment wardens, in the appropriation of the allotment grounds?—Yes.

1245. If those various classes of persons, to which I have alluded, ought to be considered by the allotment wardens in distributing the land entrusted to them, does it not follow from your calculation, which would show that the Inclosure Commissioners have set out a sufficient portion of land, on an average, to meet the wants of those who are not employed in the cultivation of the inclosed land, that the amount set apart by the Inclosure Commissioners is insufficient for all the demands that might fairly be made upon the land so appropriated?—I had in view the fact that, according to the calculation suggested by Mr. Caird, founded on averages, proper provision had been made for all present claims. What I thought was defective was consideration for the claims of those who would be called into existence by the cultivation of the land.

1246. Am I right in supposing, that in your evidence you have suggested, that looking at the Reports of the Committee of 1843, and looking at the opinions which have been frequently expressed in Parliament, and looking at the Act itself, you are of opinion that those allotment grounds were intended for the general population of the labouring poor, without any particular restriction beyond that of their being in need of it?—Yes.

1247. And, therefore, may we not conclude from your calculation, that the amount of ground set apart as allotment gardens, has not been sufficient for that large class of persons?—Yes.

1248. You state in your evidence, that you think that the reasons given by the Inclosure Commissioners, for not assigning public allotments appeared questionable, as not being in accordance with the statutory intentions of the Act; and one of those reasons you said was, that the poor had gardens already; on what ground did you think that that reason was not in accordance with the intentions of the Act?—Because I thought that the intention of the Act was to provide allotments for the poor inhabitants of the parish; and that although they might have gardens, some might have very small gardens; and in all cases the tenure of those gardens might be insecure.

1249. Do you think that it would be desirable that the Commissioners should state in their reports what the sizes of those gardens were, in order that Parliament might judge whether the possession of a garden was really a reason why an additional piece of land should not be given to the holder?—Yes.

1250. You stated, that although power is given to the Commissioners to frame regulations for the letting of the allotments, they have not done so; is it not the fact, that in the Act the Commissioners have no power of enforcing their regulations?—Certainly.

1251. Therefore, their regulations would come simply in the form of advice, would they not?—Yes.

1252. Do you think that the advice which they would give for the letting of allotments would be such as would command the assent of parties who might think that they understood the particular circumstances of their locality, better than Commissioners sitting in London?—I think, that if the allotment wardens were to be in direct communication with the Commissioners in London, and sent up the rules for instance which they laid down in each case, it would be quite possible that the Commissioners might, in certain cases, see reason to suggest better rules, and their suggestion would be likely to come with considerable weight upon gentlemen who may not possibly be aware of what are the best rules.

1253. Do you think that in order to establish a satisfactory communication between the allotment wardens and the Commissioners, it would be necessary to give the Commissioners some coercive power over the allotment wardens?—I am not prepared to say to what extent that should be done; but with regard to the suggestion which I have ventured to make with reference to the power of sale of the land, there should be coercive power in that point of view; that is to say, that nothing should be done, except with the approval of the Commissioners.

1254. As it appears that the allotment wardens are not, generally speaking, very active or enterprising; in regard to this particular branch of duty, do you think that much is to be done simply by the Commissioners inviting communications from the allotment wardens?—I think it is a step which might be tried, and which might be attended with success; I am not prepared to say, that coercive power would not be better, but that I submit to the Committee.

1255. If it were imposed upon the Commissioners as a duty, to ascertain the facts of each case by sending persons on the spot to examine and report, would not a considerable expense be involved by such an arrangement?—Yes, if the Commissioners were required to examine into each case; but I do not contemplate that that would be at all necessary; if the allotment wardens were in regular communication with the Commissioners, I should think the Commissioners would be able very easily to judge in what cases special inquiry might be necessary.

1256. Do you suppose that the ordinary journeys of the Assistant Commissioners would enable them to obtain much information as to the manner in which previous inclosures had been dealt with by the allotment wardens?—I think if the Assistant Commissioners were instructed to keep the Commissioners in London informed to the best of their power, of the state and condition of the allotments, a great deal of information might be

be obtained which would operate as a check upon the allotment wardens.

1257. You have recommended that periodical returns should be obtained of the total quantity of land occupied in cottage gardens and field allotments; would that only be obtained by the statistical returns of the Board of Trade?—I have so stated.

1258. You have suggested the term of five years; do you think it would be necessary to receive those returns as often as every five years?—I should think that if the term was longer the question might fall out of sight; and therefore that it would be desirable to keep the Commissioners and the public informed once in five years as to how they are progressing.

1259. If the expense were not a consideration, you would wish to have it once in five years; but if a considerable sum was to be employed in obtaining it, would it not be sufficient to have a return every 10 years?—It would be very desirable to have it every 10 years, but I should say it would be more desirable to have it every five years. The sum, according to the opinion of the Inland Revenue Department, for a return for England and Wales, is not very large; between 3,000 *l.* and 4,000 *l.*

1260. With regard to those cases which you mentioned, where a maximum amount of half an acre was frequently used, do you understand that those half acres were frequently employed in the growth of fruit trees, or in the feeding of cows?—It does not strike me that they are very much employed in the feeding of cows, but in some counties they are partially used for the growth of fruit trees.

1261. So that even supposing that the maximum allotment of half an acre might be more than a labourer could cultivate conveniently with his own hands with a spade, yet you think in other ways he might get considerable produce from the ground with less labour, as for instance, with fruit trees?—Yes.

1262. Do you believe that it is common in England for labourers to keep cows?—It is, unfortunately, by no means common.

1263. Mr. *P. W. Martin.*] In the Midland counties is it not common?—In some counties, but very little in others.

1264. *Chairman.*] Can you state what average extent of pasture would be necessary to keep a cow?—I am not sufficiently conversant with farming matters to state positively, but I believe an acre of good land will keep a cow.

1265. Inferior land might require three acres, might it not?—Yes.

1266. But in the case of a man who had an allotment garden, he might be able to provide winter food for his cow out of his garden, might he not?—I am not so sure about that. I believe such cases are exceptional.

1267. But you are able to inform the Committee that where allotments are set out by private individuals, there are very numerous cases in which they have found that half an acre might advantageously be allotted to one family?—Yes.

1268. Mr. *Knatchbull-Hugessen.*] When you published your report in October last, you came to the conclusion, did you not, from the facts and figures before you, that the Inclosure Commissioners had not allotted as much land to the labouring poor as you thought, under the Act, they might have done?—Yes.

1269. But I understood you to say now, upon closer investigation, that taking into account the limitations imposed upon them by the Act, you think, on the whole, that they have acted liberally in the matter?—I do not think that that is exactly the upshot of what I have stated. I think that, taking averages, it does appear that they have allotted to the extent of a quarter of an acre per head; but I qualified that by saying that the averages were delusive in this case, and that there were many instances in which it appears that the quantity was smaller than I should think would be considered a liberal allotment.

1270. But as they are limited (as I think they are) to a quarter of an acre, you do not wish to blame the Commissioners for the course they have pursued?—Certainly not; I do not wish to blame them in the least degree.

1271. Do you not think that, taking into account the very varied and different circumstances of all those commons, any calculation founded on such averages must be, to a very great extent, fallacious?—Yes.

1272. You stated that you think that with reference to a greater allotment the improvement of position so gained by the labourer would enable him to send his children to school?—It enables him to keep them longer at school.

1273. Has it ever entered into your calculation that the desire to avail himself as much as possible of all the surplus labour of his family might induce him to keep them from school to work upon this allotment?—I do not think the amount of labour required upon the allotment would be sufficient to induce him to keep them from school for those purposes.

1274. Then do you not agree in the statement, that the value of an allotment to a labourer is in proportion to its proximity to his dwelling, and to the possibility of his employing upon it his own surplus labour and that of his family?—Certainly, the value greatly depends upon its proximity to his dwelling; but I do not think that the employment of the surplus labour of his family would be likely to have the effect of keeping the children from school.

1275. Is it not the case now that, in agricultural districts, one great difficulty which we have to contend against in our wish to educate the children of the poor, is the natural desire of the parents to get the benefit of their children's wages, whenever and wherever they can be employed?—Certainly.

1276. Then if a man's means would be materially improved by a considerable allotment, and the labour required upon the allotment would of course be in proportion to its size, do you not think it possible that by giving a large allotment you might create that temptation to keep the children from school instead of sending them to it?—I do not think it would be likely to operate to any great extent. The children go to school at nine o'clock in the morning, and leave at four o'clock in the afternoon. If the allotment is near the dwelling, there is plenty time in the morning and evening in which they can be most healthily and beneficially employed.

1277. With regard to the proposal that the minister of the parish should have the nomination of two of the allotment wardens, do you think that would be generally popular in the country?—I know that on general grounds giving any such power to a clergyman is objected to; but I think that it is chiefly objected to when ques-

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tions relating to schools or churches, or any ecclesiastical matters arise, and that very little, if any, objection would be likely to arise in the case of an appointment having to deal with such a matter as allotments in the interest of the labouring poor. I merely made that as a suggestion, and if the Committee think that any other person would be better, of course it is open to them to recommend it.

1278. Do you not think it would be better if the clergyman, supposing it were desirable to give him more power, should at least nominate only half, and not a clear majority of the allotment wardens?—I thought it desirable to give the clergyman the power of nominating a clear majority, because of the difficulty of finding persons who will cordially enter into this question, especially in the exclusively rural districts, where the farmers are probably the persons now elected.

1279. With regard to the broad question of inclosures, what rights of property are you disposed to recognise in a manor which is about to be inclosed?—The fullest rights of property both in the lords and the commoners.

1280. At question 820, I asked Mr. Wetherell this: "Is your view of a common that it is exactly the same, divisible between different landowners, as inclosed land, except that in the one case there is a fence, and that in the other case there is no fence"? and that his answer was "Precisely"; is that the answer that you would give to that question?—From a legal point of view I have not the shadow of a doubt as to the entire rights of both lords and commoners over the soil about to be inclosed; but I presume to think that there is an equitable right in all those persons who might have the benefit of that common, supposing that they were living near to it, and supposing that it were to remain uninclosed; and that equitable right I am desirous of preserving for the benefit of those likely to be called into existence for the cultivation of that land.

1281. Do you recognise a legal right as exhausting a common, and a subsequent equitable right which is afterwards to override the legal right?—I do not think that is exactly the view to take of it. The legal right I consider to be distinctly in the lord and the commoners, but the equitable right is a thing which arises out of the circumstances connected with the general ownership of the land.

1282. Then you might fall back upon the truism, that property has its duties as well as its rights?—It is that.

1283. But in that case the same argument would apply to every person's property, whether it consisted of inclosed land or uninclosed land, would it not?—I do not think quite to the same degree. That uninclosed land has been uninclosed for centuries; as long as it remained uninclosed, although the strict legal right was in the lord and commoners, the persons growing up generation after generation on or in the neighbourhood of that common were able to obtain interests in it; and I think that, if you once put an end to that possibility of obtaining an interest in it, you are equitably required to provide prospectively for those who might otherwise have obtained such an interest.

1284. Do you draw a distinction between an interest and a right?—It is not a right which can be enforced in a court of law, but I submit that, in the consideration of the Legislature, it is equitable to the future occupants of that land, and the future labourers upon that land, that that inchoate and, as it were, imperfect right should be recognised.

1285. I suppose that it may be equitable, for some great public object, that Parliament should take somebody's property; but you would go rather beyond that in this case, would you not, and recognise some right on the part of the commoners?—There is a right, no doubt, in Parliament to take property for public purposes, for a road, or anything of that kind, giving the owners in that case compensation, because there was no prior equitable right; but I presume to think that there is a prior equitable right in all cases of inclosures, vested in the persons who, if the inclosures had not existed, might have obtained interests in that land.

1286. Do you recognise some right, on the part of the public, as distinct from the rights of the lords and commoners, which you think should be compensated in every inclosure of the waste of a manor?—For public purposes; but the question that I am contemplating is not a public purpose; it is for the purposes of individual advantage and interest.

1287. Then you somehow limit those rights of property, and you do not practically agree with the statement that the rights of property are exhausted by the lords and commoners?—The legal rights are.

1288. Upon what principles would you ascertain the extent and value of the equitable right or interest, so as to allot land according to it?—I acknowledge the extreme difficulty of ascertaining and defining any principle bearing upon the future; but still I think that it can be arrived at from the point of view which I have stated. If the inclosure is made for the purposes of cultivation, and when that inclosed land is cultivated, you employ 20 men, for instance, who had not been so employed before, I think it is equitable that the prospective interests of those 20 men in that inclosure should be provided for.

1289. You were asked something with regard to the tenants' compensation, that is to say, with regard to the compensation to persons who had occupied a house, and had of course enjoyed a certain benefit from the land for which they would not be compensated under this Bill; is it not the case that, if those people had any rights of property, they would receive an allotment in respect of those rights, and that if they had not rights of property, the only way in which they could receive allotments would be by coming within the category of labouring poor, to whom those allotments would be made; or would you suggest any other means by which the existing population could be considered?—I think that the Act contemplates their case; that, as labouring poor, they are entitled to the allotments. But, on referring to the Debates which took place when the general inclosure was under consideration, I gather from the tone of those Debates that something more was in the mind of the Legislature, and that they were contemplating not only the existing, but a future population.

1290. Let us take an instance which we have had before, viz., Kirton Marsh; here is a common which is to be cultivated; what is the process by which you would propose to bring that population into existence in the future?—Supposing that common consisted of a thousand acres, and

and was divided among four owners of 250 acres each; if the individual proprietors desired to bring that into cultivation, they would erect farm buildings, and employ their capital for the purpose; and among the things which they would do, would be presumably to build labourers' cottages there. If all landlords were liberal, and could be depended upon to provide for the comfort and convenience of their labourers, I should say that there was no need for this Act; but inasmuch as it is in evidence that there is reluctance to give even cottage gardens, in many cases, to the proper extent, and great reluctance to give allotments, especially the reluctance felt by the smaller commoners, I think the equity of the case requires that the interest of those future cultivators of that land should be provided for.

1291. Then you rely upon the large landowner still to build the cottages?—The large landowner or the small landowner, if he is to cultivate the land, must provide farm buildings and all their appurtenances.

1292. But people do not build farm buildings except for a considerable quantity of land?—I am speaking of the case assumed.

1293. Taking your own instance of four people having 250 acres each, and erecting buildings; is it to them that you would look to bring this population?—Certainly.

1294. But you think that, having brought it, it would be necessary to guard the prospective population against those who brought them there by giving them, from some extraneous source, gardens?—Out of the land so brought into cultivation, securing them the reasonable accommodation of a garden.

1295. They would labour on those 250 acres, I suppose?—Yes.

1296. Then, supposing that these proprietors of the 250 acres objected to their having allotments, you would be no better off than you were before, would you?—There would still be a fund; there would be an allotment set out on behalf of those 20 people.

1297. But if the proprietor who brought the men there and built cottages for them, objected to their having allotments, you would be no better off, would you?—The proprietor might certainly object to their having allotments; I mean, object both to public allotments, and to setting them out in connection with his own cottages.

1298. But wherever they were set out, supposing that the proprietor objected to those labourers having allotments (as farmers do, as you know), you would be no better off as regards providing for them, would you?—The case incidentally might happen, and the labourers for the time being would be no better off; but still, according to my views, the equity of the case would be satisfied, because Parliament would have secured so much land, and it does not follow that because one landlord might object to his labourers occupying such land, the next might do the same.

1299. But, supposing that they did not object to their having a garden, is it not probable that they would provide them with gardens to their cottages when they built the latter?—It is very probable, but it is not by any means universal; it is very frequently the case that the contrary exists.

1300. You do not think that it is safe to trust to those whose capital would bring the land into cultivation to provide the necessary labour and to make the labourers comfortable?—I do not, because I find at the present time there is a very great deficiency both of the cottage gardens and allotments.

1301. Is that the case all over England?—Not all over England, happily. In some counties gardens or allotments are very general, and most liberally provided.

1302. You speak of the absence of any definite rule as to the proportion of land to be set aside; you do not think it possible, I presume, to make any definite rule, but you would rather leave a wider discretion in the hands of the Commissioners?—Yes, indicating that such a rule might be laid down.

1303. There is no limit under the present Act as to the total amount which they may allot, but there is a limit as to the quantity to each individual allotment, is there not?—There is no limit as to the total amount; and I find that in many cases, very large allotments have been made far beyond any such rule as that which I have indicated.

1304. Do you not think that any considerable allotment being made in opposition to the wish of the lords and commoners might have a contrary effect to that which you suppose, and might rather prevent their encouraging the erection of cottages?—I should hope not.

1305. What is the passage in the Act which leads you to suppose that a prospective population was contemplated, or is it rather from the tone of the Debates that you gathered such an impression?—It is both from the Debates and from the general terms of the Act. I have referred to the clauses (sects. 109, 149) in a former part of my evidence.

1306. The Preamble of the Act is to this effect: "Whereas it is expedient to facilitate the inclosure and improvement of commons and other lands now subject to rights of property which obstruct cultivation, and the productive employment of labour:" that clearly contemplates a state of property which was detrimental to the interests of the country, and its improvement; but it clearly and fully recognises the rights of property, does it not?—Certainly. The Preamble of the Act is silent with respect to allotments; the Act, nevertheless, gives unlimited power to the Commissioners to set them out. By giving that power the Act does not the less clearly and fully recognise the rights of property.

1307. The size of the allotment (as to the benefit which it would be) must depend very much upon the quality of the land, and also upon the individual labourer's family, must it not?—Undoubtedly.

1308. I understand that you would only wish to untie the hands of the Commissioners, and to give them power to make a larger allotment, but you would not oblige them to give any larger allotments than they give at present?—Certainly not.

1309. Mr. *Liddell.*] You, I think, advocate the extension of the power of exchange given in the 149th clause of the Inclosure Act, to a power of sale to be invested in the hands of the allotment wardens?—Yes.

1310. A favourable opportunity might occur at any time of selling a portion of those allotments; I presume you would not debar them from availing themselves of any favourable opportunity which arose of effecting a sale; but you would rather

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rather wish that they should avail themselves of any favourable opportunity which occurred, of selling at a good price, would you not?—Yes.

1311. But it might happen, that no equally favourable opportunity occurred for purchasing; how would you suggest that they should invest the money in the interim?—I have stated that the power of sale should not be exercised except with the permission and under the approval of the Commissioners; and I should contemplate that the allotment wardens would not be allowed to sell unless they saw a prospect of reinvesting.

1312. In land?—In land, of course, more conveniently situated for the purposes of allotments.

1313. Then I understand you distinctly to say, that you would not wish to see the power of sale placed in the hands of the allotment wardens, unless there was an immediate prospect of purchasing land, either more conveniently situated for the purposes of the poor, or for some other specific reason?—Certainly.

1314. You stated, a short time since, that there is no limit in the present Act to the total amount which may be appropriated to the labouring poor; did you say that you knew of cases in which lands were appropriated, and in the hands of the allotment wardens, considerably in excess of the demands of the district?—I did not intend to state that. What I intended to state was, that I see in the Reports of the Commissioners many instances in which a very large allotment has been made in proportion to the total quantity and amount of the inclosure; an allotment far beyond the measure of any rule which I have stated here.

1315. Does not that appear as if the Commissioners had had in their minds there, the probability of some prospective population arising, for whom they wish to provide?—I should think so, very possibly.

1316. Have you ever inquired into the circumstances under which these large and (as we will call them for the sake of argument) excessive appropriations have been set apart?—I do not think it at all my duty to go into the way in which the Commissioners have dealt with those cases.

1317. In reference to the prospective populations, you have said that you see a possibility of the valuer laying down some rule which is to be calculated, as I understand you, upon the probable increase of population required for the improved cultivation?—Yes.

1318. All that is based upon the supposition that the enclosed lands are to be used for agricultural purposes, is it not?—Certainly.

1319. But may it not very commonly occur, that they are applied for other purposes, and are used, for instance, as building ground; and are there not many cases of commons which are after inclosure applied to building purposes?—Yes.

1320. Do you imagine that it would be possible, in a case of that kind, to provide for the prospective increase of population?—That would depend upon the size of the inclosure. A portion of it might be built upon, and a portion of it might be brought into cultivation, and a considerable latitude should be left to the Commissioners to determine in cases of that kind, if you untied their hands, and enabled them to exercise their judgment upon each case as it arose.

1321. If it is fair to provide for the wants of the probable agricultural population, surely *à fortiori*, it is fair to provide for the wants of a future population springing up upon the existence of a town or large village, or a railway station, or any purpose of that kind, is it not?—I do not think that that presses to the same extent as the increase of population for agricultural purposes. The original grants of manors in feudal times, were for the purpose of raising a population for the defence of the country; and as that population increased, every head of a household, and every family born into the world on those manors, had an opportunity of getting a portion of this land out of which, or with the aid of which, they lived. It is beyond the byview of any such original grants that towns should have sprung up or have similar claims.

1322. Then, am I to distinctly understand, that you do not think that the time has come, when, in the inclosure of lands, either in the neighbourhood of villages or in the midst of large scattered communities, the future wants of a town or a village population, apart from the agricultural labourer, ought to be considered?—I am not prepared to go to that length. I think those are questions of discretion, which may be trusted to the Commissioners in each case.

1323. Supposing that a common, or a waste of a manor, is to be inclosed in a mining district, do you not think that the requirements of such a population as a mining population ought to be considered in appropriating future allotments for what may be called the labouring poor, taking them to be persons employed in manual labour, upon the confines of this ground?—A mining population is very often a temporary population; the mining ceases, and away goes the population.

1324. I understand, then, that you would invariably give the preference to a settled, over an unsettled population?—Yes.

1325. That would dismiss from consideration a very large amount of your calculations, would it not?—Yes, as far as providing for a prospective population is concerned. It is the interests of the future agricultural population which I think it is equitable chiefly to have in view.

1326. Mr. *Leveson Gower.*] Do you agree with Mr. Caird, that means should be taken to arrest the decrease of the agricultural population?—Certainly.

1327. Is it not a tendency in all civilised countries for their agricultural population to be diminished and their manufacturing population increased?—Comparatively, no doubt that is so; but it concerns very much the strength and power of this country that our agricultural population should be developed to the utmost possible extent.

1328. Is it not the case that agricultural improvements result in the diminution of the labour employed in agriculture?—If you have, we will say, any given area covered with small occupiers, of course agricultural improvements will doubtless tend to displace a number of those small occupiers. If that given area is all cultivated as one holding, supposing it to be badly cultivated, there will be a smaller proportion of labourers; if it is highly cultivated you will have a larger proportion on that land, and therefore the higher the cultivation, the greater the relative number of persons employed.

1329. Is it not the case that in the period from 1851 to 1861, the agricultural population was diminished?—Yes.

1330. And is it not likewise the case that a greatly

greatly increased amount of agricultural land was brought into cultivation during that period? —Yes.

1331. And that the agricultural produce has increased?—Yes.

1332. Has it not been the case that the labourers employed in agriculture, freed by the diminution of agricultural employment, have engaged in manufactures?—Yes.

1333. Do you not think that it is an advantage to the country that labour should go where it is best remunerated?—Certainly.

1334. In that case do you think that it would be wise by any artificial means to arrest that beneficial result?—I think that that beneficial result is quite consistent with the means taken to increase the amount of labour employed upon the land.

1335. It would have this tendency, would it not, that fewer would go to manufactures and more to agriculture?—There might be an increase to both; there might be an increase of the numbers employed upon the land.

1336. Do you think that any of those means would be sufficient to arrest that great diminution of the agricultural population which is the natural tendency of the country?—I should very much hope that this decline of the relative proportions of the agricultural population is not constant. If more capital were applied to the land, I see no reason why the agricultural population should not increase. Mr. Caird tells us that you want an addition of 50,000 acres a year to supply the persons brought annually into existence in this country; and it is to be hoped that by the increased improvement of machinery, and the greater application of capital to the land, the landed interest of this country will be able to supply a very considerable proportion of this demand, to the very great benefit of the country.

1337. Has it not been the case, that it has been found more and more profitable to purchase food in exchange for manufactures instead of producing it directly?—Yes, because agriculture has been in a very backward state.

1338. Has not that been the result of a freer communication with other countries?—Probably; but every year the agricultural skill of the country, and the machinery applied to agriculture is improving; and it is to be hoped that that will tell more and more upon the increase, both relatively and absolutely, of the agricultural labouring population.

1339. Has not that result been simultaneous with a very great improvement in agriculture? —A great improvement in agriculture has taken place within the last 20 or 30 years; but it is to be hoped that it has not come to anything like its termination yet.

1340. Supposing that the population does not increase in any district which is inclosed, if you put aside a certain amount of land for prospective population, is not that land lost to cultivation in the interim?—No. It would be let, as I ventured to sketch out, by the allotment wardens, for farming purposes.

1341. Mr. *Liddell.*] Always to be resumed when the demand arose?—Yes.

1342. Mr. *Lowther.*] I think you said that people occupied in sedentary occupation were likelier to cultivate, and did cultivate better than people employed in agriculture?—The Honourable Member must have mistaken my answer. I did not mean to say that they cultivated better, but in answer to a question of the Right Honourable Chairman, I said that I thought that it might be more beneficial to their health than in the case of agricultural labourers.

1343. Mr. *Peek.*] Is there not this difference between legal rights in inclosed lands and legal rights in or over commons, that, as a matter of fact, the land is not of such a nature as to enable the common to be inclosed and turned to profit? —Yes.

1344. Are not the lords and commoners, as a matter of fact, obliged to come to Parliament to enable them to inclose?—Yes; and that is the foundation of the view which I have taken; that in order that the lords and commoners should be enabled to give an additional value to the land to be inclosed, they must come to Parliament: and if they come to Parliament to ask for the use of a beneficial Act, I think it is equitable for the Legislature to say that out of the lands so to be inclosed the prospective interests of the persons who will cultivate that land should be secured to them.

1345. If so, may not an Inclosure Act be fairly deemed a boon, to be refused by Parliament or granted on such terms as they think fit?—Yes.

1346. In prescribing such terms, do you think that interests actually enjoyed by persons not able to prove them to the satisfaction of a legal tribunal, should be taken into account and protected?—Yes.

1347. From your inquiries into the present state of agriculture, do you agree with Mr. Darby and Mr. Wetherell that the best commons for agricultural purposes have been long since inclosed, and that those which now come under the operation of the Inclosure Act are of an inferior character?—As a general statement that is probably true; but I should venture to presume that there are many instances in which, from local circumstances, land of a very fair character has not yet been inclosed.

1348. In your calculations under question 1180, have you not considered only the provision of gardens for the additional labourers likely to be brought into a district to cultivate the land about to be enclosed, and not the labourers already there?—I am afraid I have been a little misunderstood, in regard to that point; I certainly contemplated, in making that suggestion relative to the future population, that the present Act dealt sufficiently with the interests of the existing poor population.

1349. I understood that you would require from all the allotment wardens periodical returns to the Inclosure Commissioners, and that no sale should be completed without such consent from head quarters?—Yes.

1350. How often would you relet the land?— In cases such as I contemplate of deferred allotments, it would be necessary, in order that such allotments should be brought into proper cultivation, to empower the allotment wardens to grant leases of 14 years.

1351. At the expiration of the leases, would you revalue them precisely as any other land?— Yes.

1352. Would you limit the competition for allotments to the labouring poor?—Yes, the competition for the allotments set out on behalf of the existing labouring poor, including the artizan class; but not the letting of what I have called the deferred allotments; allotments not immedi-

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ately required for the purposes of the labouring population.

1353. If I have understood you aright, you have a scheme for creating, as it were, a *corpus* for the acquisition of additional lands?—Yes.

1354. Supposing that a labouring poor man could only see his way to give 1 *l.* for an allotment, but that I, being a gentleman in the neighbourhood, have a bailiff or a gardener, and would give 2 *l.* for that same piece of land, would you allow the competition of a person in my position as against the poor person?—Certainly not, in regard to allotments under the present Act; the Act now would prevent land being so let in a case of that kind; it is let by the allotment wardens, for the benefit of the labouring poor, to the labouring poor; and I presume, therefore, that that would be interpreted to mean strictly persons working for daily wages.

1355. You give a great deal of power to those allotment wardens; they might look upon a gentleman's bailiff, or a gentleman's gatekeeper, or gardener, as a labouring poor man, in the same way as they would look upon an agricultural labourer earning his 10 *s.* a week; and they might think also, might they not, that if they could get double the rent for the same piece of land, the double rent would go for the general advantage, and that they were doing their duty in getting that increased rent?—Their duty is to let to the labouring poor; and if they were to let to a higher class, such as shopkeepers in a village, assuming that the allotment wardens are to be in connection with the Commissioners, and to report to them, it would be in the power of any person acquainted with the facts and locally interested, to complain to the Commissioners, and any abuse of that kind would be stopped.

1356. That would be one of the great advantages, would it not, of those periodical reports which you think all allotment wardens ought by Parliament to be compelled to make to the Commissioners?—I think so.

1357. In the event of that supposed 1,000 acres being inclosed, would it not be easy, from the circumstances of similar neighbouring inclosed lands, to calculate what the probable wants of the 1,000 acres when inclosed would be?—I should think it would be very easy.

1358. Mr. *Fawcett.*] Have you not, as one of the Commissioners appointed to inquire into the condition of people employed in agriculture, in your report recently presented to Parliament, stated as a general conclusion that the poor had been injured, and not benefited, by the inclosure of lands?—I quoted the opinions of many leading politicians on both sides of the House, given during the discussion on the General Inclosure Bill, to the effect that the rights of the poor, in advertently, during the time that inclosures were made by private Acts, have been very greatly neglected.

1359. You quote the present Duke of Newcastle, when Lord Lincoln, who says that the interests of the labouring poor were systematically ignored and neglected, do you not?—Yes.

1360. Then you go on to say, do you not, without any qualification as to confining your remarks to inclosures having taken place under the private Acts, previous to 1843, that the poor have not been benefited but injured by the inclosure of lands, or words to that effect?—Not entirely; they have been greatly benefited, as I think I stated, by the increased value of their labour, and by their employment at higher wages given for the inclosed land.

1361. Do you state that in your report?—Yes. This may be the paragraph to which the Honourable Member referred:—"Now, it is made abundantly manifest by the evidence appended to this report, as, indeed, it has been long since by evidence on former occasions presented to Parliament, and otherwise brought before the public, that, beneficial as the extensive inclosure of waste lands and the system of large farms have generally been in providing better remuneration and more employment for the labourers in agriculture (while the public interests have been thereby, and at the same time, greatly promoted), other circumstances have arisen in conjunction with those great changes which have been pointed to as in some places greatly diminishing, in others entirely putting an end to, advantages which the agricultural labourer formerly possessed. First, the inclosure of waste lands has often and in various ways prejudicially affected the condition of the cottager."

1362. The last sentence which you have read refers not only to the inclosures which took place previous to 1843, but also may be taken to refer to some of the inclosures which have taken place under the Act which we are now considering, because you refer to evidence as given to you in your report?—Yes; the report proceeds thus:—"Secondly, the absorption of the small farms in larger ones has, in proportion as it has advanced, lessened his opportunities, and tended to deprive him of the hope, of rising out of the condition of a day labourer into one of comparative independence."

1363. Therefore, am I not right in saying that in some cases you say that the labourers by the inclosure of lands have been distinctly injured, and not benefited?—In some cases, they have been prejudicially affected in the sense of being deprived of opportunities of adding to their means by the help of land which had been a portion of the uninclosed land.

1364. Therefore, according to that opinion, you would not say that in every case it was desirable, according to the preamble of the Act of Parliament, to facilitate the inclosure of lands, but that each separate case ought to be examined and watched with a view of seeing whether it was desirable or not?—That is not the exact conclusion that I intended to draw. The conclusion which I intended to draw was, that, beneficial as the inclosures are on general grounds, it is desirable that, inasmuch as the interests of the cottagers frequently suffer, Parliament should protect those interests.

1365. Therefore, if they are not more amply and more fully protected than they have been during the last 25 years, since the Inclosure Acts were passed, in many cases the labouring poor will be prejudicially affected, and not benefited, by the inclosure of lands, will they not?—I am not prepared to go quite to the extent of the latter part of the Honourable Member's question, which strikes me as raising an argument against the inclosure at all in certain cases. The labouring poor generally are benefited inasmuch as a larger field is produced for their beneficial employment, and possibly at higher wages; but in certain cases they may be prejudicially affected by being deprived of the means of obtaining portions of that inclosed land, by grant or user, as they

they have hitherto been; and to some of them the more beneficial employment and the higher wages may not, and in fact do not, arise. This certainly points to the conclusion that their interests should be more fully protected than they have been during the last 25 years.

1366. But am I not to understand, from the words of your report, that, in some cases, you consider that the advantages which you have pointed out as resulting, as a general rule, from the inclosure of land, are, in some cases, more than counterbalanced, so far as the labouring poor are concerned, by the disadvantages which result to them from the inclosure of land; and therefore, on the whole, that they have been, in the case of some inclosures, prejudicially affected?—I did not mean that that conclusion which seems to be against the inclosure at all, should be drawn to that extent. It is correct, as far as regards some of the labouring poor.

1367. Do you not think that anyone would be justified in drawing such a conclusion from that sentence in your report?—It must be taken in connection with the context. I may have expressed myself inexactly, but this was my meaning, as I think will appear if that passage is read with the previous sentence and the following one: that, to a certain extent, and under certain circumstances, and with reference to certain things, they are prejudiced.

1368. Without asking you to express any general opinion with regard to the balance of advantages and disadvantages, do you think that, in consequence of some defects in the Act of Parliament in some cases, the poor have undoubtedly suffered under disadvantages from the inclosure of lands?—Yes, some of the poor in certain cases.

1369. You have stated, have you not, in your evidence, that you think that those persons who ought to be particularly considered with regard to the providing of allotments, are those who would be called into existence by the cultivation of land, which was about to be inclosed?—Yes.

1370. Are you aware that that opinion is in distinct antagonism to the opinion which has been expressed by the Chief Commissioner, Mr. Darby, he affirming that the Commissioners have no power whatever to consider those people who would be called into existence to cultivate the land which would be inclosed?—I am aware of that.

1371. Then you and Mr. Darby differ entirely on that point, do you not?—I presume so.

1372. Then, it being Mr. Darby's opinion that the prospective population ought not to be considered with regard to the inclosure of lands, we cannot conclude that, in reserving land as allotments for the labouring poor, the prospective population will be in the least degree taken into consideration by the Inclosure Commissioners, represented by Mr. Darby?—I suppose that is the case.

1373. Then that being the case, your calculation, by which you brought out the result that there had been enough land reserved as allotments, is a calculation which cannot in the least degree apply to the Commissioners, considering the rules which have regulated their conduct, because that calculation is based, is it not, upon elements which they say they have never considered?—They say they have not considered the prospective population.

1374. Your calculation, which would go to prove that a sufficient amount of land has been reserved for the labouring poor, is entirely based upon considering the prospective population, and that alone, is it not?—My calculation was based upon the fact that a quarter of an acre is the utmost which they can allot, and that the total amount, if calculated on that basis, would give a quarter of an acre per head to all the existing population among whom it was to be divided.

1375. I think that in your report, and also in your evidence, your calculation as to the sufficiency or insufficiency of the amount of land which has been reserved for allotments, is based upon the following considerations: speaking roughly, you state that 320,000 acres of land have been enclosed, out of which allotments could have been reserved for the labouring poor; you calculate that the number of people, supposing that two persons are required for 100 acres of land, who will be required to cultivate those 320,000 acres is somewhere about 8,000: then you suppose that each of those 8,000 persons has a quarter of an acre allotted to him: that gives about 2,000 acres required for allotments: you find that is the amount which the Commissioners have reserved, and therefore from that calculation you have come to the conclusion that, on the whole, the amount reserved has not been insufficient?—Yes, the Honourable Member has put it correctly.

1376. Then the calculation which you have made to prove that the amount has not been insufficient, is a calculation which the Commissioners could never in the least degree consider or entertain, is it not?—They did not entertain it; it was not within their view, I have no doubt.

1377. *Chairman.*] Was not this calculation suggested to you by one of the Commissioners himself?—Yes, by Mr. Caird.

1378. Might it not follow from that, that one of the Commissioners thought, that in laying out this ground for allotment gardens, the prospective population that would be employed in agriculture should be considered?—I do not think that that was in the consideration of Mr. Caird; I merely put the case to him, that a quarter of an acre per head ought, as might be gathered from the Act, to be assigned, and he said, "Well, take our figures, and it amounts to that."

1379. Mr. *Fawcett.*] But Mr. Caird never stated to you that the prospective population had been in the least degree taken into consideration by the Commissioners, did he?—Not at all.

1380. Mr. Darby stated in his evidence given before the Committee, that the prospective population had distinctly not been taken into their consideration; in an early part of your evidence I think you found that the calculation which you had made was not a very valuable one, because it was clear that not only the prospective population had to be considered, but also the existing population who came under the category of labouring poor?—Yes.

1381. Therefore as the amount reserved has only been just sufficient to provide a quarter of an acre for the prospective population which you suppose would be called into existence by the land which would be brought into cultivation, and would not provide for the labouring population now existing, would you not come to the general conclusion, that the amount reserved has been insufficient?—Yes. The impression I meant to convey was, that the amount was sufficient according to their point of view, and looking

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to the limitation imposed upon them by the Act, as they interpreted it, and that therefore I imputed no blame to them. It was not my view, as I have shown by taking exception to basing the calculation upon averages, and by the other considerations which I have presumed to submit to the Committee; my argument was, if the Commissioners are right, there is so much more reason why the Act should be amended.

1382. In regard to the present Inclosure Bill, taking the case of Withypool; in that case, 2,000 acres of land would be brought under cultivation, would they not?—Yes.

1383. According to your calculation, would not 2,000 acres require 40 men to cultivate them?—Yes.

1384. Forty men at a quarter of an acre each, would require 10 acres of allotment?—Yes.

1385. Five only have been reserved?—Yes.

1386. Therefore, the quantity is insufficient by one half, is it not, if we consider only the prospective population, and take no notice of the existing population?—Exactly.

1387. With regard to Wisley, another common, there 380 acres would be brought into cultivation; and you are probably aware, that there no provision whatever is made with reference to prospective population?—I am.

1388. Therefore, taking the present Bill, if we only consider the prospective population, and leave out of consideration altogether the existing population, the quantity reserved as allotments is insufficient to provide for the prospective population, is it not?—Yes.

1389. Therefore, speaking generally with regard to the Inclosure Bill at the present time before Parliament, the quantity reserved as allotments for the labouring poor, is not adequate, is it?—Quite so.

1390. When you spoke of the commoners and the lord of the manor exhausting the legal rights in the common, you did not mean, I suppose, to lead the Committee to understand that that kind of property in common land is the same as property which is owned by a private individual, did you?—Certainly not.

1391. And the fact that it is not the same has been abundantly shown by the circumstance, that Parliament does not allow those whom you have described as the legal owners of commons to do anything with them without coming to Parliament?—Quite so.

1392. Have you at all considered the amount of land which has been reserved for recreation?—I have not.

1393. Have you any suggestions to make upon that point?—I have not.

1394. You have stated, I think, in your report, that allotments are even more important with regard to artizans and labourers who live in large towns, than with regard to labourers who are employed on the land?—They are more important in regard to their health.

1395. Then if there was a common in the neighbourhood of a large town, do you think that especial care ought to be taken, if possible, without doing injustice to the lord of the manor and the commoners, to reserve land for allotments?—Quite so.

1396. Have you considered whether, with regard to the lands reserved for allotments, some system of co-operative farming amongst the labourers themselves might be applied with advantage?—I have not.

1397. You are perfectly familiar with the system of co-operative farming introduced by Mr. Gurdon of Assington, are you not?—Yes.

1398. Do you think that five or six labourers joining their allotments together and cultivating them in common, might derive advantages from it?—I can conceive such a case, but I am afraid that, in the present stage of intelligence of the agricultural population, such cases would be very rare.

1399. But if your scheme of education was carried out, and their intelligence was improved, do you not think that it would not be so rare, and that great advantages might result?—Very possibly, in a future generation.

1400. Do you know whether such a thing as that is ever done at present?—I do not remember at present any case in which it is done.

1401. Should you conceive from the fact that the allotment is limited to a quarter of an acre, that there is anything in the Act to prevent that union of allotments amongst the labourers themselves?—No, I should think not.

1402. You contemplate, do you not, that the allotment wardens should keep the proceeds of the rents arising from the allotment gardens, for the purpose of buying more land, or for improving the existing land?—Yes, or for renting additional land, according to the suggestion of Mr. Darby, subject to the approval of the Commissioners.

1403. Then you would wish all those clauses and parts of the Act of Parliament to be repealed which at the present time call upon the allotment wardens to hand over the proceeds in aid of rates, or for the repair of highways?—Yes; that they should not be required absolutely to hand over the proceeds in aid of the rates.

1404. I suppose in your investigations it was brought under your notice that in some cases where there was open land and waste land, agricultural labourers got many comforts and many luxuries which it was impossible for them to obtain when all the land was inclosed?—Certainly.

1405. For instance, since the lands have been generally inclosed, it is much less frequent, is it not, for agricultural labourers, at any rate in some parts of the country, to keep cows, poultry, and pigs?—Yes.

1406. Do you not think in cases where cows, poultry, and pigs can be kept by agricultural labourers, it not only provides them with useful food, but gives them a very important addition to their income?—Decidedly so.

1407. Therefore in some cases you would say that the advantages which agricultural labourers derive from those waste lands are not compensated by the additional employment which results from the inclosure of the land?—Yes.

1408. Therefore it would be quite right for Parliament in some cases to say that this land, on public grounds, shall not be inclosed, would it not?—I hardly think that it would be right on public grounds to go to that extent; I should say that it should not be inclosed except subject to certain conditions. If it was to be kept uninclosed it might involve the withdrawal of so much very good land from future use for the benefit of the country.

1409. But do you not think that in cases where you do not consider that very great advantages would arise from the cultivation of the land, and where at the present time great advantages

vantages do arise to the poor from having an open space of ground, where it is possible to conceive that the advantage to the public would be greater from keeping the land open than from inclosing it, it would be right for Parliament, on grounds of public policy, to prevent the inclosure?—Parliament would doubtless deal with every case of that kind as it came before them. I should hesitate to lay down a general rule.

1410. Your idea, as far as I understand you, would be this: that without laying down a general rule Parliament should in each case consider the advantages and disadvantages that would result from the inclosure of any particular land; and if it came to the conclusion that the advantages which would result from keeping the land open, more than counterbalanced the disadvantages, or in other words that public advantage would result from keeping the land open, then it would be quite legitimate for Parliament to say that the lands should not be inclosed?—Yes.

1411. You think, speaking generally, that in a country increasing in population, such as England, where land is gradually becoming a scarcer and more expensive commodity, it is very important, at any rate, not to have all the open land inclosed, do you not?—I should think that if for the public convenience or the public health, it was thought desirable to prevent the inclosure of any land now waste, within a certain distance of large towns, it would be perfectly justifiable to prevent such inclosures; but that must be considered *sub modo* in each particular case. Railways were referred to the other day, and it was said that they gave access to uninclosed land 20 and 30 miles away from the population. I should say that it would be highly unjust to the lords and commoners to prevent such land being inclosed without compensation; but if the distance, instead of 20 miles, was two miles, it would be a very different thing.

1412. Am I not correct in saying that the late Sir Robert Peel, and other very eminent politicians, laid down the doctrine that the inclosure of land ought to be watched by Parliament with the utmost care, because labouring persons who had common rights held property which they could not alienate?—Yes.

1413. And that when the common is inclosed, and a certain amount of property is given to them in compensation, that property they can immediately dispose of, and the next generation is robbed?—It was so.

1414. And therefore in many cases, although the compensation given to labourers is perfectly fair and ample, that property is got rid of, and the next generation is decidedly worse off than the previous one?—Yes, that was Sir Robert Peel's doctrine.

1415. Are you aware that Mr. Darby gave a list of 30 parishes in which there had been very large inclosures of land, and that he stated that in the great majority of those 30 parishes, selected at hazard, there had been a reduction of population?—Yes.

1416. If the inclosure of land causes more employment to the people, as it must do, by bringing more land into cultivation, how can you account for this decrease of population?—The decrease in population in those particular parishes might have arisen from various circumstances. What I adverted to the other day might have been one of the causes; that is to say, if small farms had been thrown into large ones, that might have caused a decrease. The populations might have been in excess before, and it might have been desirable that the excess should be drafted off.

1417. But still it is almost fair to conclude, is it not, that where there is a large inclosure of land, and more land has been brought into cultivation, and you find, after a few years, that the result of that is that the population has decreased, the result has not been very satisfactory to the labouring population?—The population may have decreased upon land already in cultivation from various causes; but I do not think that that is a foundation for argument, either one way or the other. It might vary.

1418. In the case of land, such as Kirton Marsh, to which the Honourable Member for Sandwich has alluded, in which there are no cottages, it has been stated by previous witnesses that we might leave it to the landowners, who would be induced, by a feeling of duty and self-interest, to build cottages with proper gardens; do you think that the combination of those motives is sufficient to secure good cottages with gardens to labourers?—Certainly not.

1419. And you say that, from your experience of the state of cottages in different parts of the country?—Yes.

1420. Therefore, in every case in which it was possible, do you think it would be well, as far as the labouring poor were concerned, to reserve land which might be devoted to allotments?—Yes; Parliament having the power to do so before they allow a beneficial Act to be put into execution.

1421. Have you any suggestions to make with regard to the form in which the Reports are presented to Parliament?—I have ventured to lay before the Committee a form which I presume would give the facts in a clear manner, subject to any suggestion for the improvement of such form.

1422. You have stated, have you not, that you have examined and gone through, very carefully, those Reports ever since the year 1845?—Very carefully.

1423. Should you, or should you not, say that the information contained in them was so indefinite that, in many cases, it would be difficult for a Member, who had nothing whatever else to guide him, to decide whether enough land had or had not been reserved for the labouring poor?—It would be extremely difficult, and indeed impossible.

1424. Therefore, under the present system, Parliament is called upon to decide upon a very important question without sufficient information to enable it to come to a proper decision, is it not?—That is my opinion.

1425. Colonel *Barttelot.*] I think you are a barrister, are you not?—I was at the bar a great many years ago.

1426. Will you kindly, as nearly as you can, describe to the Committee what is the distinction between law and equity; is not equity, in the legal sense, governed by rules as definite as those which govern the common law?—Yes.

1427. And does not the practice in Chancery require a specific *locus standi* for access to its jurisdiction, just in the same way as the practice in the common law courts?—Certainly, in cases that are to come before the courts.

1428. Then, *primâ facie*, must not a man have some

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some right before he can put in a claim to any portion of a common?—Certainly; a legal claim.

1429. I am asking these questions because you have been asked a great number of questions upon the rights of those who are neither lords nor commoners; and I wish you, if you are able, clearly to define how far you would go in that equitable right?—I have endeavoured to make it clear that I would go as far as this: that inasmuch as the General Inclosure Act is a beneficial Act, I think it equitable in the view of Parliament (for I am not speaking of a Court of Chancery), to recognise the rights of persons who would be called into existence for the cultivation of the land so to be inclosed.

1430. But do you recognise any rights of the public who have been in the habit of using that common by walking or riding over it?—With all deference to the honourable Member, it is rather beyond the scope of my duties to pronounce an opinion upon that. That is a question which refers to the interests of the general public. I have had my mind kept upon the question of the interests of the labouring population, but I will give the best answer in my power, if the honourable Member wishes to repeat the question.

1431. I should like an answer to that question, because I distinctly understood you to say, in answer to an Honourable Member, that you only looked to the interest of the agricultural poor, and not beyond it?—I did not mean that the agricultural poor ought alone to be considered; but that in certain cases the interest of artisans and villagers came fairly within view in a question of this kind with regard to allotments; but if I am asked whether persons living near, who have been in the habit of walking over the common, or of straying over it for purposes of pleasure, ought to be considered the case of an inclosure, I should say no doubt that it would be considered when the question came before Parliament; and it might please Parliament to say that in consequence of that user of the public in certain cases, that common should not be inclosed if it was near a town.

1432. But because people, without any right, had gone down by railway, we will say, 10 miles from a town, and had used that common, you would not reserve any portion of that common for their pleasure and recreation?—No; that was a case which I put to an Honourable Member just now; that because railways brought people 10 or 20 miles out of town to recreate themselves upon this common, I should not think it at all just that the owner of that common should be debarred from inclosing it in consequence of the modern invention of railways; if Parliament thought it desirable for the public health that such a common should be kept uninclosed, that would be a case for compensation, I should think.

1433. I think you stated that no common could be inclosed, without coming to Parliament for such an inclosure?—Yes.

1434. Do you not know that it is a fact, that supposing a man is lord of the manor, and owns all the rights upon a common, he can inclose that common at his will and pleasure?—Yes.

1435. Then it is not the fact, is it, that they must come to Parliament for every inclosure?—Of course it is subject to an exceptional case of that kind.

1436. Do you not know that it is a fact, that a lord of the manor, with commoners holding in fee, if they agree upon the distribution of the common, can inclose that common at his pleasure without coming to Parliament?—It may be so; but I apprehend that the question before me now is, what is legal, and what is justifiable under a general Act; what is done outside of it, I do not know.

1437. If that is so, and if in certain instances the waste land can be inclosed in that manner, does not that clearly prove that the lord and commoners in other uninclosed lands, have the legal right to the soil?—They have the legal right. In cases where the ownership is divided, and the commoners do not agree, Parliament has pointed out a mode by which they can do what is beneficial to themselves, namely, divide the common among them.

1438. Clearly showing that they have more or less of legal right in the ground?—I have never disputed for a moment the legal right.

1439. It has been stated by a former witness, that Parliament placed those terms upon those inclosures, for the purpose of giving an inexpensive method of inclosure, instead of a very expensive one; is that your opinion?—Yes.

1440. I understand generally from the whole of your evidence, that you think that the present Inclosure Act does work well, and is a fair and just Act, but that you would like to amend it, by allowing the Commissioners to allot rather a larger portion of allotment land, and perhaps rather a larger amount of recreation ground?—I did not touch the question of the recreation ground at all, but a larger amount of allotment ground, I think, might be apportioned.

1441. I think I distinctly understood from you, that in no instance would you wish to reserve more than half-an-acre?—No.

1442. And that as a general rule, a quarter of an acre is amply sufficient?—Yes.

1443. If the cottager had a garden besides, would you think that unless he had a family, a quarter of an acre was too much?—I do not think that that is the general opinion. Very often a man without a large family, if he is a skilled and industrious man, can work a quarter of an acre, either attached to his cottage, or close to it. That is very much the case in very large allotments.

1444. Putting all the other questions on one side, and taking it as a broad principle, you think that the proper rights ought to be reserved to the lords and the commoners, but with rather a larger amount of allotment in each inclosure?—Quite so.

1445. In regard to the question of the land which is still left uninclosed, do you know the country generally, more or less, from north to south?—Yes, more or less.

1446. Do you not know that there is a large proportion of very stiff clay land in some counties which has not been inclosed, and which is waterlogged, and is in a very bad state from want of drainage; and that that land, when drained, and well cultivated, does produce very good crops, and produces a great deal more for purposes of food than is now produced?—No doubt.

1447. Do you not know that in many instances the inclosure of that land is a very great boon to the whole neighbourhood, on account of the drainage, and that it makes the neighbourhood much more healthy?—Certainly.

1448. Although the poor people may in some instances lose some rights which you have described, yet you think that for the general benefit

benefit of the district those lands ought to be inclosed?—Certainly; I have never said anything to raise the contrary presumption.

1449. There was one interesting point which you mentioned in Northumberland, and that was in regard to a man keeping a cow; can you tell me at all what rent they pay in that part of the world for a cow?—£. 8 a year, I think.

1450. In the south of England, we always count the profit of a cow at 10 *l.*; I presume that there the farmer, or whoever lets it to them, keeps the cow, and they pay him the 8 *l.* a year, and keep all the profit?—I presume so.

1451. In the counties of Sussex and Surrey, with which I am pretty well acquainted, there are, perhaps, as many commons as there are anywhere in the country; I should be very sorry to deny that in many instances the poor man who can keep a cow, and can rent a meadow, benefits very much by the fact of the common being uninclosed; but if, when the common is inclosed, that man is in a position to take three, or four, or five acres of the inclosed land, and can still keep his cow, he would not sustain any injury by the inclosure, would he?—No.

1452. Do you think it advisable that the landlord should stock the garden with fruit trees, or that the cottager should find his own trees?—In such counties as Herefordshire and Worcestershire, I know that the cottager makes a great deal of his fruit trees at very little cost.

1453. Of course, if the landlord finds the trees, the tenant has to pay more rent; do you advise the landlord to find them, or do you recommend the tenant to find the trees?—I have known instances in which the landlord has found the trees for a small payment.

1454. When once planted they cannot be removed?—No.

1455. With regard to the power to sell the allotments, I presume that your idea with regard to that was, that you might sell the allotments in places out of the way, and not convenient for the labouring poor, and that you would be much more likely to be able to buy a piece of land in the immediate neighbourhood, than you would be to be able to exchange it?—Certainly.

1456. With regard to the higher rent, I presume that depends very much upon the class of soil; if it is a good loamy soil, a man could afford to give a higher rent in proportion to the farming rent, than if it was a light sandy soil, could he not?—Certainly; a light sandy soil would require so much more manure.

1457. Supposing that a great alteration was made in the present system of inclosure, and that a larger proportion of land was retained for other purposes than that of the lords and commoners, of course all those lands that have been inclosed would have been inclosed on much more advantageous terms than those that in the future would be inclosed, would they not?—The difference would really be very small over so large an area. I have stated in my evidence that, supposing a larger proportion had been taken by the Inclosure Commissioners, for instance, in the first supposed case, half-an-acre more over one-fourth of the total amount; in the second case, half-an-acre more over one-half of the total amount inclosed, and out of which allotments were made; the difference in the 261,000 acres inclosed would have been, in the first case, that 330 more acres would have been assigned as allotments, and in the second case, 819 acres; so that I cannot conceive that the additional portion of land can be treated as deducting anything of importance from either the lord or the commoners.

1458. *Chairman.* In comparing the inclosures under the Inclosure Act, with those that took place before it, must we not remember that the machinery is far less expensive now than it was under the old system?—Certainly; under the old system, an Inclosure Act cost several hundred pounds.

1459. You have been asked whether you agree with Mr. Wetherell, that a common is exactly the same, devisible between landowners as inclosed land, except that in the one case there is a fence, and in the other there is no fence; does not that involve a very great difference?—Yes; that is a very important difference.

1460. Is not the difference this, that the ownership of land which gives the right of inclosing land by fences, carries with it the right of excluding the public?—Yes.

1461. But a right of common which is limited to the use of the produce of the surface, and does not extend to the erection of fences does not involve the exclusion of the public, does it?—No.

1462. Would it not be necessary for any one bringing an action for trespass, to show that an inclosure had been broken?—Certainly.

1463. And the absence of a fence would probably prevent him from successfully bringing an action against a trespasser?—I apprehend that it is not quite so; the trespass might be to a certain extent over an uninclosed land, so as to injure its value for feeding purposes, and if the trespass amounted to anything serious enough to sustain an action, something more than a farthing damages would be obtained; the commoners have a right to be protected in the user of their pasturage.

1464. But taking the case of the pure presence of an individual who had no special rights in a common, would not the fact of there being no right of inclosing that common make an immense difference between that case and the case of a person walking over land which was inclosed?—Certainly.

1465. Then if Parliament gives to the lord and the commoners the power which they had not before, of erecting fences upon the land, thereby practically depriving the public of a power which they previously exercised, is it not perfectly fair that Parliament should impose the conditions which it has imposed by the Act of Parliament, that some portion of the land to be inclosed should be set apart for the benefit of the public, either in the form of recreation ground or of allotment gardens for the labouring poor?—Decidedly, and it is only a question of degree between what the Act now does, and what I have taken the liberty of suggesting to the Committee.

1466. Supposing that it were to appear that in a particular proposal for inclosure, the inconvenience to the public of being deprived of the power which they practically exercised of going over a common was great, might not Parliament fairly decline to give to the persons who were pecuniarily interested in that common the advantages of the Inclosure Act, to enable them thereby to exclude the public?—Yes.

1467. Mr. *Knatchbull-Hugessen.*] There are rights of passage over inclosed lands, are there not, by way of footpaths?—Certainly.

Mr. *H. S. Tremenheere.*

15 June 1869.

1468. Did you ever know an instance of an action for trespass being successfully brought, where no damage whatever had been done, even in the case of inclosed lands?—I do not know that I ever knew a case, but such a case is quite possible in order to sustain a right.

1469. The Chairman says that Parliament gives the power of erecting fences and excluding the public; but is it not, as a matter of law, the fact that, if the lords and the commoners can agree, they have the power of erecting fences and inclosing and excluding the public without coming to Parliament?—That is so.

1470. Therefore is it not the fact that the Act of Parliament, which we are now considering, was passed in order rather, in the first instance, to facilitate the settling of disputes between the lords and commoners as to whether those fences should be erected, and as to the proper division between themselves?—As a matter of history, I am not aware of that. I believe its principal object was to provide a less expensive mode of proceeding.

1471. Does not the Preamble of that Bill show that?—It is to facilitate inclosures, no doubt; but the Act itself imposes terms at the same time.

1472. Therefore we must, after all, come back to this; what is a public right, and how is it to be defined, and, if it exists, how is it to be compensated?—Yes. But I must not be understood by this answer to admit that those propositions exhaust the whole subject. The Act gives two distinct kinds of power to the Commissioners; first, that of dealing with rights cognisable in a court of law. On behalf of these they, among other things, are required to assign allotments in respect of proved legal rights. Secondly, by section 31, unlimited power is granted to them to set out allotments "for the labouring poor," irrespective of any rights that can be enforced in a court of law. These latter allotments are called by the Commissioners "public allotments," to distinguish them from the former, set out on behalf of their rights.

1473. *Chairman.*] When Parliament, in any form, grants an Inclosure Act, does it not take away, by that Inclosure Act, certain powers of wandering to and fro upon the open land which, whatever may be the legal right involved, may still, practically, be exercised by the public?—Yes.

1474. Mr. *Fawcett.*] Is there, to your mind, any analogy between the case which the Honourable Member for Sandwich has put to you, of a footpath through inclosed land, and the right of wandering over uninclosed land?—I think not.

1475. The footpath may be walled on each side, may it not, so as absolutely to exclude the public from wandering, on foot, either to the right or to the left of the footpath?—Yes.

1476. You have stated, in reply to the question of the honourable and gallant Member for West Sussex, and the Honourable Member for Sandwich, that, in certain cases, a common can be inclosed without coming to Parliament; that never practically takes place, does it?—I am not aware.

1477. And for this reason, that it is impossible to get that consent between the lords and the commoners, from the fact that they are certain, some of them, to have different rights in the property?—I should think it a very rare case.

1478. Have you ever known a case?—No; but my experience is not large in matters of that kind.

1479. It is more a theoretical than a practical right, is it not?—I should think so.

1480. You stated, in defence of your proposal for letting those allotments at a competition rent, and not at a fair agricultural rent, that you think it will increase the independence of the labourer; and you strengthened that argument by saying that in Northumberland, where the agricultural labourers are better off than in any other part of the kingdom, they take a cow at the full market price, and it is not given them as a charity?—Yes.

1481. Is not the case of the allotment, and the rent of a cow, somewhat different; is not the cow rented from the farmer, and if the cow was rented at less than its market value it would be something in aid of wages, would it not?—Yes; and if you let an allotment worth sixpence per pole, to a man capable of paying the full value, for twopence, you in point of fact make him a present of fourpence.

1482. But does not the real difference arise in this way, whether the present is made to him by his employer, or whether it is made to him by a body entirely independent of his employer?—I do not think that there is a difference in the effect upon the *morale* of the labourer; I think that if you give a well-paid labourer an allotment below its market value, it comes into the same category as paying cottagers' rents out of rates; both are done by an extraneous body, independent of his employer; but both, I conceive, have a bad effect upon the independent feeling of the labourer.

1483. But, according to that, if you let a man an allotment for nothing, or if it was his own property you would make out that he was no better off for it than if he had to pay a very heavy rent, would you not?—No.

1484. Mr. *Leveson Gower.*] When you say that you do not know of any commons which have been inclosed without coming to Parliament, do you mean to state that you are not aware of any such cases, or that you know that there are no such cases?—My answer was, that I was not very conversant with matters of that kind, and that I was not aware of any such cases.

Mr. James Reed, called in; and Examined.

Mr. *J. Reed.*

1485. *Chairman.*] Where do you reside?—In the village of Withypool.

1486. What office do you fill in that parish?—I am clerk of the parish, in the parish church.

1487. How near is Withypool Common to the village?—I should say about a furlong, that is to say from the central part of the village; some of it is not so far.

1488. What is the population of the village?—The population of the village, I should think, must average from 120 to 150, that is to say, men, women, and children.

1489. Do you know how many houses there are?—Yes, to an average; it is not a great number to count. There are about 30, and I consider that they contain from four to five in each, averaging

aging the one with the other. There are more houses on the borders of the village, that will add to population.

1490. Where is the school situated to which an acre of waste land has been assigned as a playground?—The school is in the village.

1491. Where is the piece of land that has been assigned to it?—That is not far from the village; I should think it is about, perhaps, rather more than a furlong from the school.

1492. Has the school any playground now?—None whatever, except the public road.

1493. Are the inhabitants of the village in the habit of walking upon the common?—They are.

1494. How often do you think they go there?—That is a question that is difficult for me to answer; but I very often see them there.

1495. Do they play any games on the common?—They do, sometimes.

1496. What sort of games?—They play at "tip," and various games.

1497. Can you tell us how they play at that first game which you mentioned?—Tip heels over head; also play with balls. I never practised it at all; I am past that; my hair is the wrong colour for that.

1498. When the common is inclosed where will they go to take their walks, and to have their games and recreations?—I cannot say where they can go; I do not know of any place. There were some small places about the village that people laid a claim to, and they are now inclosed; therefore there is nothing but the road.

1499. How far do you think they would have to go along the road, before they found another open space where they could enjoy themselves?—They could not find one for miles, except they did go on the common.

1500. Is there no open common within reach of an ordinary walk?—No; he would not want any more recreation by the time he came to any other common.

1501. Is this common on a steep hill, or a gentle slope?—A gentle slope.

1502. It is all upon rising ground, is it?—A little rising ground.

1503. Can they play at ball on this sloping ground?—Yes; but I never took particular notice of their plays.

1504. What other people do you know are in the habit of going on this common, besides those who live in the village?—There is a friendly society of young men established in the village, and they generally take their pastime there on their annual meeting days.

1505. Are there any other people living in the neighbourhood, who do not live in the village, and who yet are in the habit of going upon this common?—I do not know that I ever saw any in particular. I might have seen some there, but I cannot say particularly.

1506. Is there any other village near this common, besides the village of Withypool?—No.

1507. Are the inhabitants quite satisfied with the settlement which has been made, namely, that the common is to be inclosed, and that no recreation ground is to be set apart, except the one acre for the school?—So far as I have inquired, they are not.

1508. What is the feeling, so far as you know it?—They seem to state that they shall be bound up in that way, when all the waste, as I have stated before, will be inclosed; that they will be as badly off, they say, as in a town, and will not have the accommodation which they would get in a town in the way of recreation ground. The population of the whole parish is about 300, and I think, the village is nearly half.

1509. What reason have you for supposing that the inhabitants of the village think it a hardship that they should have no recreation ground?—Because they say so.

1510. Have they ever said so in a public meeting?—I do not know that ever they did in public meeting; but I received a letter to inquire a little into the minds of the people about it; I did not give them to understand that I had received that letter, nor that it required an answer, yet I found that their discourse was to have more recreation ground.

1511. What is your own personal opinion about it?—I do not think it is enough.

1512. Do you think that if a recreation ground had been set apart of several acres, that ground would generally have been used?—I do.

1513. Did you, or did any other of the inhabitants of the village, express that opinion when the assistant commissioner came down there to consider the subject?—I do not know whether they did at that time, but they have since.

1514. Have they ever sent up a memorial to the Commissioners on the subject?—Not that I know of.

1515. Is there some land already inclosed in or about the village?—Yes.

1516. How is that land occupied?—It is under cultivation.

1517. Mr. *Knatchbull-Hugessen.*] You received a letter asking you to make inquiries about it?—I did.

1518. That called your attention to the matter?—Yes, it did.

1519. You had not thought much about it before, I suppose?—I had thought of it, and had spoken of it before, that it was not enough; in fact, if I understood it rightly, the Commissioner was not satisfied to lay down so small a portion.

1520. How do you know that?—Because he said that he would have some portion. There was a landowner or two who seemed to say that we had got recreation ground enough besides, and that they could go to work, and recreate themselves with that.

1521. Had you full notice of the meeting which the assistant commissioner held when he came to Withypool?—Yes, I think there was due notice given.

1522. Did you yourself attend?—I did.

1523. And not many of the inhabitants attended?—Yes, some attended; several of the labouring class attended.

1524. Did they then complain?—I heard complaints the same evening.

1525. How far do you live from the common?—I live near the centre of the village; and, as I have stated, the centre of the village is about a furlong from the common. But a little more to the playground already appointed, or to the more convenient ground.

1526. There are five acres allotted for recreation, are there not?—I do not think it is one. There are three roads to be cut out of it.

1527. You cannot play many games on one acre, can you?—No, we cannot.

1528. Mr. *Knight.*] Is not wrestling one of the chief games at Withypool?—Yes; I have seen that, but never on the common but once, that I know of.

Mr. *J. Reed.*
15 June 1869.

1529. The land you speak of which was inclosed in the village was one of the old Exmoor Pounds, was it not?—There are portions there which bear the name of pounds, and there are others, which do not, that have been recently inclosed, that would have been convenient for playground.

1530. Mr. *Lowther.*] You said that you received a letter from somebody about the inclosures?—I did.

1531. Did you tell anybody that you had had this letter?—No.

1532. Did you receive the letter before you had the meeting?—No, since that; I did not tell anyone that I had had a letter.

1533. Are you married?—Yes.

1534. Did you tell your wife?—No, I had no need to. She saw the letter.

1535. You do not think she told anybody about it, do you?—I do not know; I cannot say for that. Women are not a class to keep secrets.

1536. Was there any talk in the village about it?—I do not know that there was, but I cannot say there was not.

1537. Did you come together at the public, and have a talk about it?—No; I inquired of some individuals about it, and some were so slender in their minds about it that I did not think it worth while to inquire of them.

1538. Did you find that they did not care much about it?—I found that they were willing to leave more room, and they were not satisfied with the small room to be left uninclosed, as it was likely it would be.

1539. Are there no fields round Withypool where they can walk?—Yes; they can trespass if they risk that; but if any one had a field there he would not like to have the field trespassed for any kind of plays. It is not often they do.

1540. How long are you in walking from the village to the common?—In walking a furlong, it depends upon the pace I walk.

1541. But how long does it take you yourself to walk from the village to the common?—I can walk there leisurely in 10 minutes, and perhaps in five minutes.

1542. If they want to go to any other common for recreations, they must go a very long way, must they?—Yes, they must.

1543. How much time would be occupied in walking there?—You must go a long, long way for it. I think they must come out on Brendon Hill Ironworks.

1544. How much time would they have to occupy in walking there?—There is a common about five or six miles away, so that would depend upon the pace they walked, as to about what time it would take them to go there.

1545. Mr. *Knight.*] Could they not go to Winsford Hill?—They dare not go there, I know.

1546. Mr. *Martin.*] Do they play cricket down there?—Yes, sometimes.

1547. Do they play football?—I do not know a great deal about their plays; I do not pay much attention to it. I am more of a working man than a playing man.

1548. Mr. *Fawcett.*] I understood you to say that some of the large landowners objected to the small quantity of one acre being reserved?—They did.

1549. Was it the large landowners who objected?—There were some; I never heard it come from them myself, but I was informed that two or three who had some property near, expected that if there was much taken for playground they should be obliged to go further for their allotments; they were thinking that they should have that ground which might be apportioned for playgrounds or gardens, or whatever it might be, so they stuck fast to as small a portion as that; I have been informed by some of the neighbours that that was the case.

1550. Do you know whether the landowners were large or small landowners who objected to it?—There was one whose farm, perhaps, might be about 70 *l.* or 80 *l.* a year; he joins with his farm that very plot which has been appointed.

1551. It was stated, in reply to a question which I put to the Commissioner, that the reason why they did not reserve more than one acre for the recreation ground was, that all the rest of the land was so steep, that if they had reserved any other land it would have been of no use for purposes of recreation; should you from your local knowledge say that was that correct, or not correct?—It never could rest upon that point at all, because the land is very little at a declivity; there is nothing dangerous, there is nothing to hinder the working of any plough. I have seen them dancing on the green, and such plays as that; I have seen as many as 50 couple dancing at a time on the green that might be laid down for a playground.

1552. Then if 50 couples came there, I suppose that was at the time of the Friendly Society's meeting?—Yes.

1553. A population of 120 would scarcely supply 50 couple, would it?—No; they had a band there, and that is something new to them.

1554. Then I am to understand you, that a larger recreation ground than this might have been set out on equally convenient ground, and equally near the village?—Quite so, on the other side of the road. The road divides this piece, which has been partly appointed out, as might be said, and the piece which I was saying could be apportioned out, perhaps four times as large.

1555. *Chairman.*] Would that portion on the other side of the road, be as flat as the portion which has been set apart for a recreation ground?—It lies in the same state, it lies to one scheme in the same way.

1556. Colonel *Barttelot.*] You talked about a green; is there a village green, or was there a village green there?—The grass was green on the common, and there was a village green before it was inclosed.

1557. There was a village green before this last inclosure, was there?—No, there was a village green, which our minister fought very hard to keep as a playground, and he tried it at Taunton, and it cost him, I dare say, 300 *l.*, or 400 *l.*, to try to keep it as a recreation ground.

1558. When was this inclosure of the village green made, of which you are now speaking?—That must have been, I suppose, 15 or 16 years ago.

1559. Then, if I understand you aright, four acres or more could have been got within a furlong of the village, which would have answered all the purposes of a recreation ground, if it had not been recently inclosed?—I daresay there might have been a portion that could have been appointed out.

1560. You have stated that close to the village there

there was plenty of ground which could be set out as recreation ground. I think that the assistant commissioner has stated that there was no such ground; I want you distinctly to state to the Committee whether, in your opinion, within one furlong of the village, there is ground which could have been set out sufficiently good for a recreation ground?—It is my opinion, if it had not been recently inclosed by freebooters.

1561. Mr. *Knatchbull-Hugessen.*] You are parish clerk, are you not?—I am.

1562. You are pretty well acquainted with your rector, of course?—Yes.

1563. Do you agree with him in his statement that the labourers are pretty generally freebooters, living on plunder?—I cannot say that. There have been robberies committed on the land, no doubt.

1564. You do not quite agree with that description, do you?—No, I do not; nor have I had anything to do with it, either.

1565. *Chairman.*] What part has the Reverend Mr. Jekyll taken in this inclosure?—Mr. Jekyll did not inclose it. He went and tried it at Taunton, to keep it open, and he was beaten.

1566. When the Commissioner came down, did the Reverend Mr. Jekyll take the part of the poor inhabitants in their want of a place of recreation?—I cannot say whether he did for recreation; but this I can say, that I heard him speaking particularly that there ought to be a portion otherwise, either for gardens or for turf; but for recreation I did not hear him, though he might have said so.

1567. Mr. *Knatchbull-Hugessen.*] Did Mr. Jekyll attend the meeting?—He did. Mr. *J. Reed.* 15 June 1869.

1568. Do you know that he is satisfied with the allotment which has been set out?—I do not know.

1569. If he is satisfied, would that do a good deal to reconcile you to it?—I do not know that it would. He does not want any recreation ground, for he has plenty to go to of his own, for he takes a three-miles' ride to the church.

1570. Even if some of the people are freebooters, that is no reason, you think, why they should not have a little recreation?—No.

1571. Mr. *Knight.*] Did you ever hear the old saying,—

> "Steal the sheep, and sell the wool,
> Say the bells of Withypool"?—

I have heard it now; but I never heard it before.

1572. Mr. *Martin.*] Are those people who object tenant farmers, or are they rich squires?—Not squires.

1573. But what sort of people were they?—Farmers.

1574. Were they small tenant farmers?—They vary about it. I have heard the opinions of two or three.

1575. What is the largest farm in the parish, either in acreage or in rental?—I dare say the largest farm in the parish is not above 300 acres.

Tuesday, 22nd June 1869.

MEMBERS PRESENT:

Colonel Barttelot.	Mr. Knatchbull-Hugessen.
Sir Michael Hicks Beach.	Mr. Liddell.
Mr. William Cowper.	Mr. Lowther.
Mr. Fawcett.	Mr. Phillip Wykeham Martin.
Mr. Leveson Gower.	Mr. Knight.
Lord George Hamilton.	Mr. Pease.
Mr. Vernon Harcourt.	Mr. Peek.
Mr. Andrew Johnston.	Mr. Walsh.

THE RIGHT HONOURABLE WILLIAM FRANCIS COWPER, IN THE CHAIR.

Mr. WILLIAM BUSHEN, called in; and Examined

Mr. *W. Bushen.*

22 June 1869.

1576. *Chairman.*] WHERE do you reside?—At Withypool.

1577. What situation do you fill at Withypool?—Schoolmaster.

1578. Can you inform the Committee in what position the recreation ground is situated which has been set apart by the recent provisional order of the Inclosure Commissioners?—Yes.

1579. Will you explain to the Committee what is the position of that piece of ground; how near is it to the school?—It is about three furlongs from it; I want a map to show it exactly. I have a little sketch, if the Committee would like to look at it. (*The Witness produced the same, and explained it to the Committee.*)

1580. Is the recreation ground on the opposite side of the river from the village and the school?—Yes.

1581. And is it near the common?—Yes.

1582. In short, it is a corner of the common?—Yes, only a road separates it.

1583. Do you think that one acre of ground is as much as is required by the inhabitants of the village and the neighbourhood for the purpose of recreation?—No.

1584. Supposing that more were to be taken from the common, would that part which might be taken from the common be of the same character as the one acre which has been set apart already for a recreation ground?—Just the same.

1585. I see on this map a road; is the part which has been set apart on the whole of one side of that road?—Yes.

1586. And would the part which might be added to it be on the other side of that road?—Yes.

1587. Will you describe the character of the ground which has been set apart for a recreation ground; is it flat ground?—No.

1588. What sort of slope has it?—About 20 inches in a perch.

1589. What is the inclination of the ground near it which you have pointed out as capable of being added to the one acre which has been set out?—It is just the same; it would be on the opposite side of the road.

1590. Is the ground on the other side of the road of the same gradient, that is to say, 20 inches in a perch?—Just the same.

1591. Would you say that that part on the other side of the road is not steeper than the part on this side of the road?—It is just the same.

1592. Is it the same in the character of the soil?—Nearly so; it is rather wet; but that would not be any injury to the recreation ground; that applies to one corner near the road.

1593. Have the children of your school at present any playground?—They go out in the roads, and play on the common, just where they like.

1594. Is it the custom of the inhabitants of the village generally to go out on this common?—Yes.

1595. Have you frequently seen them there?—Yes.

1596. Do they play at any games on the common?—Yes.

1597. What sort of games?—"Cat and dog," and "hare and hounds," and foot-ball.

1598. The first games which you have mentioned would require a good deal of space for their adequate enjoyment, would they not?—Yes, especially hare and hounds; the hare would have to dodge about a good deal, there being a small space.

1599. You have said that the ground on the eastern side of the road is on the same inclination as the ground on the western side of the road; can you state how far that ground extends, and will you say that it is of the same slope as that on the western side?—I should think that you might have seven or eight acres there.

1600. And after you have taken about seven acres does the hill rise more precipitously?—Yes.

1601. Mr. *Knatchbull-Hugessen.*] How many children

children have you at your school?—There are 35 on the books now; there are 45 in the winter.

1602. Do you say that the recreation ground allotted is insufficient for them?—Yes; an acre would be insufficient.

1603. Did you appear at any of the meetings which were held at Withypool previously to the provisional order?—No.

1604. You did not urge the claims of the inhabitants to a larger recreation ground?—I did not; I know that recreation ground was left at Exford.

1605. Do you know whether the common is to be divided among many individuals or appropriated only to two or three?—To many.

1606. Are there many inhabitants of the parish among whom it would be divided?—Yes.

1607. Persons who are resident there?—Yes.

1608. The same persons who would enjoy it for recreation?—Yes.

1609. Do you think that those persons would prefer having it divided among them, and each man receiving a portion as his separate property, or having it left open for recreation?—Having it left open for recreation.

1610. Did you take any means to ascertain that?—I have spoken to several persons about it, and they seem willing to have some recreation ground.

1611. Are any of them dissatisfied with the amount which is allotted to them; have you heard any of them say that they have not had a sufficient amount allotted?—There is none allotted yet.

1612. I have understood you to say that those people who claimed recreation ground are the same people who claim rights of common?—They will claim.

1613. But still you think that they would be better satisfied to have it left open rather than inclosed and divided amongst them?—I think so.

1614. Mr. *Liddell.*] Did not you think that it formed any part of your duty when the assistant inclosure commissioner came down to investigate this scheme for inclosing the common, to represent the interests of the school of which you are the head?—I understood some ground was to be left as recreation ground, and having no business there else I did not attend the meeting.

1615. Then you were not made aware how small a proportion was to be assigned in the shape of recreation ground?—Not before; I have heard of it since.

1616. If you had had a little more information previously, should you have felt it your duty to have gone and represented the interests of the children?—I should.

1617. I understood you to say that a portion of this acre appropriated for recreation ground was what you call "rather wet"; what do you mean by "rather wet"?—It is not a portion of the acre that has been appropriated for recreation ground that is wet, but a small portion of the land adjoining.

1618. Is it a bog?—Yes.

1619. And is it so boggy that it would be unsafe, or very inconvenient to walk over?—No; in the summer you can walk over it without wetting your shoes; I walked across it the other day.

1620. How large a space is affected by this undrained spring?—Twenty perches, I should think.

1621. Only a small bit?—Only a small bit.

1622. Is it in so bad a state that the assistant commissioner may have thought that it would detract from the advantage of the recreation ground, if it was annexed to it?—No, I think not.

1623. Mr. *Johnston.*] Did you know of the meeting being held?—Yes.

1624. Do you think that it was generally known?—Yes, I think that it was.

1625. Mr. *Pease.*] You said that you had 35 children on your books; how many attend the school?—An average of 25 in the summer, but there are about 40 in the winter time.

1626. What are the ages of those children; what is the age of your eldest scholar?—I had some in the winter of the age of 23 or 24.

1627. What is the age of the children?—Thirteen or 14.

1628. What is the age of the eldest?—Four teen.

1629. How many children have you under 10 years of age out of the 25 who attend the school?—I should think 10.

1630. Were those persons who were of the age of 23 in the day school, or the night school, in the winter time?—In the day school, and in the night school as well.

1631. Are you acquainted with the Rev. Mr. Jekyll?—I know him.

1632. Do you believe with him that for the last century this common has been surrounded by a number of freebooters; Mr. Jekyll says, "The majority of the labourers are freebooters, living entirely on plunder; I am very glad to find that the common is to be inclosed; it will be a work of time to eradicate the evil induced by it"; if that is his sentiment, would you agree with him?—No; the majority of the labourers are not freebooters, but of good reputation. There are a few that have taken a small portion of land each from the common, and small cottages have been erected, but they all contend that they have had liberty from the lord of the manor to do so, and some of them are paying acknowledgment for the land.

1633. Mr. Jekyll says, "For the last half century everyone has grazed the common and erected huts, and inclosed small plots, without let or hindrance; predatory habits have been induced, which will take a generation to eradicate"; does that corroborate your sentiments?—A few persons have taken portions from the common, but as to the whole of the inhabitants, I would not say so.

1634. Mr. Jekyll goes on to say, "If any more be required, it would be one acre of the deep black ground for cutting their turf; they have been in the habit, from time immemorial, of cutting or paring the spine, and selling the ashes; no recreation ground is required in this wild country"; those are not your sentiments?—No.

1635. And you do not think that Mr. Jekyll's opinion is worth much?—No.

1636. Mr. *Peek.*] You say that the children now play on the common?—Yes; or on the highway.

1637. If the common were inclosed, as is proposed, they would have no place to play in?—They would not. I took them on this spot of ground which we have been speaking of in the winter. I went with them there myself.

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1638. You say that there is a space of seven or eight acres; do you think that that would be sufficient for these games which they play?—Yes.

1639. What notice was given of the meeting of the assistant commissioner at Withypool?—I do not know exactly; a week or 10 days.

1640. Was it put in the papers?—I believe so.

1641. Were handbills circulated?—One was put on the church door.

1642. Do you think that the parishioners knew that they were at liberty to attend that meeting?—I think that they did.

1643. In your opinion quite sufficient notice was given of the meeting?—Yes.

1644. And of the object of the meeting?—Yes.

1645. And you think that if anybody did not go to the meeting it was entirely his own fault?—Yes.

1646. Mr. *Fawcett.*] The assistant commissioner, Mr. Wetherell, stated, in reply to a question put by me, that the reason why not more than one acre was reserved for recreation in the case of Withypool was that no other ground was adapted for recreation, the whole of the rest of the common being so steep; should you, or not, say that that statement was correct?—I should think that it was not correct.

1647. Then am I to understand you that the eight acres of ground to which you refer are in every respect, both considering its steepness, its situation, and every other particular, just as well adapted for recreation ground as the one acre which has been appropriated?—Just as well.

1648. Do you know anything about the ground which has been appropriated as allotments in the case of Withypool; five acres have been set aside as allotments for the labouring poor?—I do not know anything about that.

1649. From your knowledge, can you say whether those five acres are sufficient, or whether it would be an advantage to the parish to have more ground set aside for the labouring poor?—I should think that it would not be enough.

1650. You think that if more than five acres were appropriated it would be a boon to the parish?—Yes.

1651. You give that opinion from your knowledge of the general feeling of the inhabitants of Withypool?—Yes.

1652. You stated, in reply to the honourable Member for Surrey, that the public of Withypool was sufficiently acquainted with the meetings which the Commissioner held; do you think that they were acquainted with the provisions of the Act of Parliament which enabled the Commissioner to set aside a certain amount of land for recreation, and also to appropriate a sufficient amount of land as allotments for the labouring poor?—I should think that they were.

1653. You think that they knew the privileges which Parliament had conferred upon them with regard to recreation ground, and allotments for the labouring poor?—Yes.

1654. Do you know that the assistant commissioner was bound by the Act of Parliament, unless there were good grounds to the contrary, to appropriate some ground for allotments for the labouring poor and for recreation?—I should consider that he was, because there was some ground so appropriated at Exford, the neighbouring parish, and that is why I did not attend the meeting.

1655. Mr. *Knight.*] Can you state how many labourers' cottages there are in Withypool?—There are 39 householders.

1656. How many of those are labouring men, and how many are shopkeepers and farmers?—About 25 are labouring men.

1657. Most of them have little bits of ground as gardens?—Most of them.

1658. Are there any without?—I do not know of any without.

1659. But do you think that they would all like to hire a bit more if they could?—Yes.

1660. *Chairman.*] What should you say was the size of the gardens which are round those cottagers' houses?—Some would be seven or eight perches, and some, I dare say, 13 or 14 perches; I cannot state exactly the size.

1661. Mr. *Knight.*] Who are the chief owners of the cottages in Withypool; do the men own them themselves, or are they let to them?—Some of them own them themselves; there are, of course, some who do not.

1662. In any of those cases has the land been taken in from the common originally?—Yes, in some of them.

1663. In how many of them?—In five, I think.

1664. Who has taken in the piece of land which belonged to the Exmoor Pounds?—The late Mr. Lee.

1665. What has he done with it?—It is let out now; a farmer rents it.

1666. Is not that much flatter and better ground than that which you have spoken of?—Yes.

1667. If that had been made a recreation ground, no other ground would have been wanted; that is the best place?—Yes.

1668. Are you aware that that land now belongs to the Crown and not to Mr. Lee?—I am not.

1669. Colonel *Barttelot.*] In answer to an honourable Member on the other side of the table, who asked you whether the people living in the neighbourhood of Withypool, and around the common were freebooters, you replied, "Not exactly so"; are you a Withypool man?—Yes.

1670. Have you lived there all your life?—Nearly so.

1671. What do you mean by that answer, do you mean that these people have been in the habit of living by taking all manner of things from this common, and inclosing this common without any right to do so?—No, they have not made their living out of it, but two or three of them have taken a little spot; I could point out on the map where those little spots are.

1672. Have these men regular employment; do they work regularly or not?—Most of them, I believe, do so.

1673. You must know the fact, as you live there?—Yes, every one does so.

1674. Do all of them go out as day labourers?—Yes.

1675. Do any of them keep cows?—No, not that I am aware of.

1676. I think that you said that a great many of them lived in their own cottages?—Yes.

1677. There are 30 labourers; how many of those, should you say, live in their own cottages; do 20 live in their own cottages?—I am not prepared

prepared to say exactly; I should think 12 live in their own cottages.

1678. Do you not know that these 20 men will get an allotment when the common is inclosed?—Some of them will not.

1679. Why not?—Because those houses have not been built long enough, as I understand.

1680. They have not been built for 20 years?—No.

1681. Do you think that 1 foot in 10 is not too steep for a recreation ground?—I should think not.

1682. What game could you play upon such ground; you could not play cricket, or anything of that kind?—I should think that you could play cricket there, although I never saw any cricket played there. I have seen them playing football, and "cat and dog," and "hare and hounds," but I never saw any cricketing, or anything of that kind.

1683. *Chairman.*] Do you know how many of the inhabitants of the village will have allotments under the provisional order?—I do not.

1684. It has been stated in evidence before us that one acre is enough for the school children, because there are other commons where the children can rove about; will you mention where those other commons are on which the children can rove about?—I do not know of any other commons.

1685. Is there no other open ground within reach of the school where the children can go to play?—No.

1686. How many miles would you have to go before you could come to another common?—A mile.

1687. What is the name of that common which you would reach in a mile?—Winsford Hill.

1688. Is there a very steep hill to reach to it?—Yes.

1689. Are you sure that it is not more than a mile?—That is about the distance.

1690. That is to say, to the beginning of the common?—Yes.

1691. We have also been told that the public of that neighbourhood are not in the habit of using the Withypool Common for recreation, and for walking, and exercise; is that the case?—They exercise on the common.

1692. Is it the habit of the people of the village to go out upon the common for their exercise and amusement?—Yes; I sent my scholars there last winter, and went with them.

1693. Did you do so often?—Not very often.

1694. How far is the beginning of the common from your school?—About a furlong.

1695. Do you think that the inhabitants are dissatisfied at the idea of the common being inclosed, and only one acre being reserved for the use of the children?—I think that more than one acre is required; I think that they wish more to be left.

1696. Are you aware whether the inhabitants generally are displeased with what is about to be done with respect to setting apart only one acre?—I think that they are.

1697. Have any of them spoken to you upon the subject?—Some of them have done so.

1698. Can you state why they did not represent this matter to the assistant commissioner when he had a meeting there?—I cannot.

1699. Will you state what the impression on the minds of the people was as to the probability of a recreation ground being set apart for them by the assistant commissioner?—I heard some of them say that one acre was not enough, and that there ought to be more left.

1700. And was there an expectation that a proper amount would be set out, because it had been done in a previous allotment in the neighbourhood?—I believe so; I expected it.

1701. Will you state where that previous allotment was?—It was in Exford parish.

1702. Have you had the cultivation of a garden yourself?—A very small one.

1703. How large a garden do you think that you could cultivate in your leisure hours?—Ten or fifteen perches.

1704. Do you think that many labouring men could cultivate, with advantage, a larger amount of garden than that?—I think that they could.

1705. Supposing the case of a labouring man having more leisure than you have, and being able to employ his evenings in cultivating garden ground, what amount, from your own experience, should you think that he could satisfactorily cultivate?—I think that I said half-an-acre just now, but I am not prepared to state.

1706. You do not feel able to answer that question decisively?—No.

1707. Mr. *Knatchbull-Hugessen.*] At what time do you open school in the day?—Nine o'clock.

1708. Do you think that there are many labouring men who have more leisure than you have?—I dare say that they have not, but I have to prepare for the school.

1709. Mr. *Liddell.*] Have you a night school?—Yes, in the winter.

1710. But not in the summer?—Not in the summer.

1711. Mr. *Lowther.*] At what time is the day school closed?—At half-past four.

1712. Mr. *Peek.*] In the case of Withypool, did Mr. Wetherell go down more than once?—I am not aware.

1713. Do you know Mr. Reed, who gave evidence before this Committee?—Yes.

1714. Mr. Reed was asked, "Could they not go to Winsford Hill"? and his answer was, "They dare not go there, I know"?—Did I say that they could go? I did not understand it exactly; it is Sir Thomas Acland's property; I do not know that they would be allowed to go there.

1715. The Chairman asked you which was the nearest common, and you said that Winsford Hill was the nearest common, and that the people could go and play there, but that there was some amount of disadvantage, as the ground was rather steep; but Mr. Reed says, "They dare not go there, I know"?—I did not exactly understand that.

1716. *Chairman.*] Have you reason to suppose that the owner of Winsford Common would not allow the public to come and play there?—I do not believe that he would.

1717. Which is the nearest common to which the public would be allowed to go?—I question whether they would be allowed to go on any common near.

1718. Any common within reach of Withypool?—Just so.

1719. Mr. *Fawcett.*] Did you not state that all the labouring population in this place were generally employed as day labourers?—Yes, generally.

1720. If Withypool Common was inclosed and cultivated

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cultivated, would it not cause a greater demand for labour?—Yes.

1721. Therefore, would not the labouring population probably increase?—I should think that it would.

1722. And therefore, if the population increased, would there not be a demand and a need for further ground for allotments?—I should think so.

1723. Mr. *Knight.*] What wages do the labouring poor in Withypool now get?—Those who are working for farmers get 9*s.* a week, and house rent paid; and those who do not work for farmers get, I believe, 12*s.* a week.

Mr. GEORGE GODLEY, called in; and Examined.

Mr. *G. Godley.*

1724. *Chairman.*] WHERE do you live?—At Pyecombe, in Sussex.

1725. Do you live in the village?—Yes.

1726. What employment do you follow?—I am a lime burner.

1727. Do you fill any office in the parish?—I am clerk of the parish.

1728. Are you acquainted with the circumstances of the proposed inclosure in Pyecombe?—Yes.

1729. Are you aware whether the Commissioners proposed to set apart any ground for allotment for recreation, or allotment for the labouring poor?—It is not by the will of the poor that it should be inclosed.

1730. Colonel *Barttelot.*] Is this down land?—It is all pasture land.

1731. Is it on the South Downs?—Yes; it is all on the South Downs.

1732. Mr. *Fawcett.*] You are the parish clerk of Pyecombe, are you not?—Yes.

1733. You know the land which is proposed to be inclosed?—Yes.

1734. A portion of it is Worstenbury Hill?—Yes; about 300 acres.

1735. That land is very much visited by the inhabitants of Pyecombe for the purposes of recreation, is it not?—Yes; a number of people resort there for recreation from Hurst and Brighton as well.

1736. How far is Hurst from Pyecombe?—It is the adjoining parish.

1737. Is the population of Hurst about 2,000?—It is quite 2,000; it is a market town.

1738. Is it not about five miles from Brighton?—To Hurst, eight miles.

1739. If this land was inclosed would the inhabitants of Pyecombe and of Hurst have any open ground in which they could take recreation and exercise?—No ground whatever.

1740. They would be confined to the highway?—Yes.

1741. I suppose, then, that this inclosure has caused considerable discontent among the inhabitants of Pyecombe and Hurst?—Yes; because Pyecombe is considered a very unhealthy place, and if that is taken away the people will have no place in which to walk for the benefit of their health.

1742. I understand you to say that the bottom of Worstenbury Hill is all down?—Yes.

1743. Then the people walking on it do it no injury?—None at all.

1744. Have you ever heard any complaints from the owners of Worstonbury Hill that the public have done any harm to it?—I have been there for 50 years, and I never heard any complaint of the people walking on it.

1745. During the 50 years that you have resided in Pyecombe, you have never heard that any injury has been done by the people walking on Worstonbury Hill?—None at all.

1746. Is there not another inclosure called the Dale Inclosure?—Yes.

1747. What is the nature of that inclosure?—A part of it is wood ground and a part of it is pasture. It is of great interest to the public; one part is small wood, and the public have always had the privilege of going to cut it to mend their garden fence, or to cut a few sticks for beans and peas, but now they are ejected from it.

1748. You consider that a great hardship?—Yes.

1749. And a great loss to the poor?—Yes.

1750. You have spoken of people coming over from Brighton, and also from Hurst, to resort to Worstonbury Hill; how many people have you seen there at the same time?—From 150 to 200 people.

1751. Has that been very frequently the case during the summer months?—Yes; there scarcely is a day without there being some considerable party there.

1752. Colonel *Barttelot.*] With regard to this Worstonbury Hill, supposing that it was inclosed, would it be cultivated, would it be ploughed up?—No, it could not be.

1753. And the chances are that nothing more would be done with it than that it would be marked out with a fence running up, or perhaps a demarcation across the hill, to show which part belonged to one proprietor and which belonged to another?—Yes.

1754. And the chances are that you would not be prevented from walking over it, just the same as you can do at the present moment?—If they make an inclosure they keep you off.

1755. That is not so on the downs; other inclosures have been made similar to this, and the great object is to define a man's rights, and what portion belongs to him?—Yes.

1756. There are similar inclosures which have been made upon the downs, are there not, and which are merely marked out by posts?—Yes.

1757. Are people hindered from going where those posts have been put?—No.

1758. Do you know where the butts are on those hills?—Yes; they are where the riflemen go to practice.

1759. Are not those butts to remain?—Yes, of course.

1760. And cannot any persons go there to see the shooting?—Not unless they get leave from the lord of the manor.

1761. But if they get the leave of the lord of the manor, they can go there whenever they like?—Yes.

1762. And you know that the chances are, that neither Mr. Campion, nor any of those persons, will hinder you from going there still?—They have not done so yet; when they inclose they will not let the public cross the land.

1763. From

1763. From there to the dyke is all open, is it not?—Yes.

1764. And cannot you go there without let or hindrance?—Yes, if we walk across the foot-paths.

1765. Cannot you walk across there when you like?—No; there are keepers who, if they see you off the path, order you off.

1766. *Chairman.*] Do you expect that after this Worstonbury Hill has been inclosed, the public will be ordered off, if they cross it?—Yes, that is a sure thing.

1767. Is that the down from which you said just now people were warned off?—It is a bit of pasture-ground, the same as the Cow-down. No cows or horses, or anything of the sort, go on to Worstonbury Hill.

1768. Mr. *Liddell.*] You say that hardly a day passes without a large number of people coming out from Brighton on to Worstonbury Hill?—Yes, when the weather permits.

1769. Can they get to it across the downs, or do they come along the highways?—They come along the highway; there is a straight road from Brighton to it along the highway, but the other mode is a long distance out of the way.

1770. If this inclosure was made, the people of Brighton could not come there any longer?—No; they would consider it, I suppose in the same way as walking across a gentleman's field.

1771. Do you know that there is a strong feeling in Brighton against inclosing this hill?—A good many of the people in Brighton know that it is going to be inclosed, and they think that it will be a great hurt to many parties, because it is a place which is reserved for public recreation and pastime.

1772. Mr. *Peek.*] Do you know of any small places on the downs which have been inclosed and turned into farms?—No; I am not a very great traveller, and I do not go far from Pyecombe, so that I cannot give you any information about that.

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1773. Mr. *Martin.*] How far is Pyecombe from Hassock's-gate?—Three miles.

1774. How far is it from Keymer?—About the same distance.

1775. Then there would be an inconvenience to the people of Keymer and Hassock's-gate if this place was inclosed?—Yes; many persons go on the hill upon the Sunday, or on whatever day is convenient; there are numbers of people there.

1776. Hassock's-gate is becoming a large place, is it not?—Yes.

1777. Mr. *Fawcett.*] Is there a very fine view from the top of the hill?—Yes; it is almost the highest hill in the county. There is the Ditchling beacon, which is about two and a half miles further eastward; Chenkenbury is also a high hill, but it is about ten miles from Pyecombe.

1778. Colonel *Barttelot.*] Who gave you leave to cut the underwood which you have spoken of?—The farmers Brown have been there for generations, and they always gave the people there leave to do so.

1779. You did not do it without leave?—No; they said that it was almost free ground, and that the poor could go there and cut wood when they liked.

1780. But still you always asked leave?—No, because it was a generous thing to let us go and do it.

1781. *Chairman.*] How many miles from Brighton is the Worstenbury Hill?—Five miles.

Mr. James Mobbs, called in; and Examined.

1782. *Chairman.*] Where do you reside?—At Swaffham.

1783. What is your occupation?—I am a coachbuilder.

1784. What observation do you desire to make to the Committee with reference to the inclosure in the neighbourhood of Swaffham?—I should wish to express the dissatisfaction which there is at the situation of the allotments.

1785. Will you describe where the allotments are?—They are situated on the worst road out of Swaffham to the heath; we call it Swaffham-heath; it is a bye-road; in fact, they have to make a new road across a piece of land to it, which the valuer has not done, although he has made roads for the private allotees.

1786. Will you state how near Swaffham-heath is to the town of Swaffham?—It is at different distances, according to the different roads. Swaffham Heath leads round the whole town, excepting by one road, namely, the Norwich-road; some part is close. From the nearest house in the poorest district in Swaffham it is 2 furlongs and 20 yards.

1787. Is the heath which is to be inclosed 4293 acres?—I think that it is not so much as that.

1788. Do you know how much it is?—There are a lot of half-year lands.

1789. Where does the allotment for the labouring poor lie?—The allotment for the labouring poor lies on the road to Beachemwell.

Mr. *J. Mobbs.*

1790. Is that a good place for an allotment ground for the labouring poor?—It is in a bad situation.

1791. In what respect?—On account of the distance.

1792. Where do the people reside who are expected to use these allotment gardens?—The poorest district is at the Pool, which is a large pit.

1793. How far is that from this allotment ground?—I have not measured it, but I think quite two miles.

1794. Do you think that a portion of the common might have been set apart for allotment gardens much nearer to where these people live?—I cannot tell you that; the lord of the manor raised some objection to it when it was proposed; he said that it was his freehold, or his own personal property, or something of that sort, but still the poor always had the right of turning on stock there and to play cricket and other games.

1795. Without entering into legal rights, and looking only to the common itself, do you say that there is a suitable portion of the common much nearer?—Certainly.

1796. And that part which is nearer would be equally suitable for the purpose as to the quality of the ground?—It would be better.

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1797. Will you inform us what extent of land has been set apart as a place of recreation?—Five acres, I believe.

1798. Where is it situated?—That is situated about seven furlongs from the nearest house, about a mile and a-quarter from the centre of the town.

1799. Do you consider that an inconvenient arrangement?—I spoke to the Rev. Mr. Everard about it, and I quite agreed with all that he said; he made these remarks, he said that it being situated away from the town the young men of the labouring population were very difficult of access, that they were shy of all people in a superior position, and that they would naturally get away from the moral influence of people better situated in life, and that consequently instead of the recreation ground being a benefit, it would be an injury, as they would resort there on Sundays and on holidays, and that all sorts of bad characters would get there. But that if it were close at hand and accessible to all classes of the community it might be made to exercise a very ameliorating influence upon the young agricultural labourers, a very numerous class who at present keep themselves apart and are very difficult to reach.

1800. If you think that that is an inconvenient place will you inform the Committee what part of the common you think would have been more convenient for the purpose?—A part which was nearer the town.

1801. Is there a portion of the common close to the town which is suitable for recreation ground?—There is some within two furlongs and 30 yards of the nearest house.

1802. Are you aware of the reasons which prevented the assistant commissioner from setting apart a portion of the common much nearer to the town than the part which he has appropriated?—It was, I believe, on account of the objection by the few large owners.

1803. Were you present at the meeting which was held by the assistant commissioner?—Yes, I was present at the first one.

1804. Was the matter discussed at a public meeting?—The assistant commissioner told us, who were not owners, that we had no legal rights, and that he could not entertain our claims.

1805. Whose claims did he allude to as not being legal?—The claims of the poor who had exercised the right of pasturage, and of cutting fuel, and that sort of thing.

1806. That, no doubt, had reference to allotments in severalty to individuals?—I think not.

1807. Did the assistant commissioner listen to any observations which were made with reference to the proper position for an allotment for recreation?—I cannot speak to that point.

1808. You do not remember whether any observations were made on behalf of the public as to the proper selection of a recreation ground?—I cannot speak to that point; we have a little recreation ground now in the centre of the town, but it is not large enough.

1809. That is independent of the common?—Yes.

1810. And you are of opinion that the amount of five acres, which was set apart for a recreation ground, was too small for the recreation of the inhabitants?—If it was situated accessibly I should not object to the size.

1811. How is this recreation ground reached; by what sort of a road?—By a good road; it has been inclosed by Mr. Horner, the local valuer, and there is a good fence upon it; there is a gate which has been put up, and the people cannot put stock there.

1812. Is the common, where it is near the town of Swaffham, flat or hilly?—I should say that it is all flat.

1813. Mr. *Knatchbull-Hugessen.*] Do you know the population of the parish?—I think that it is 4,000.

1814. Then in giving an allotment of five acres, do you know that the assistant commissioner allotted the fullest amount which the law empowered him to do?—I understand so.

1815. Mr. *Liddell.*] You said that the ground allotted to the labouring poor was very inconveniently situated for them?—It is the farthest off, and it is on the worst road.

1816. Do you remember a public meeting which was held in May 1868?—We were excluded from it; we were told that five acres were allotted, and that we had no right to be there.

1817. Who told you that?—Mr. Wetherell.

1818. Do you remember a public meeting which was held when the question of the inclosure of this common was first discussed?—I do; it had been discussed for years; but I have resided in Swaffham for 12 years, and it was within that time.

1819. Were you present at that meeting?—I was.

1820. Did you represent the labouring poor on that occasion?—No.

1821. Do you take an interest in the labouring poor?—Yes.

1822. Who represented them?—No one, excepting a poor man named Brunden who collected the fee, and engaged a person of the legal profession; and he, on hearing from Mr. Wetherell that no person save owners of property has any legal claim, made a speech hoping the Commissioners would consider the poor; pocketed his fee, and their resistance ceased.

1823. Then how did it become known to the assistant commissioner that the labouring poor required allotments?—There were people who did not stand up for them, namely, the middle class, who thought that they should get a portion of this land, and therefore the labouring poor were left adrift.

1824. Then were the labouring poor not represented?—Certainly not, because they had not the sense to represent themselves.

1825. Do you think that if they had been represented, they would have got a better recreation ground?—I think that if they had been represented, we should have been very much better off than we are now.

1826. Did you make representations at that meeting?—No, I did not think that we were competent to do so.

1827. Then you resigned your function?—Certain parties put in their claims, and Mr. Wetherell told me that we had no right.

1828. Are you quite certain of that?—I will not say that he said so in so many words, but that was the effect of what he said. He said that we had no rights, and no legal claim, I believe that those were the words.

1829. Was not that quite true?—I understand that it is so; but I think that it is a very unsatisfactory law.

1830. You

1830. You had no rights as a commoner?—I am not an owner of property.

1831. But you went to the meeting as an inhabitant?—I did.

1832. And as an inhabitant, you did not think it your duty to represent, in any way whatever, the interests of the labouring poor?—We petitioned the Inclosure Commissioners a little time ago, upon a certain grievance which we had, and our petition was not entertained.

1833. What was the grievance?—We ratepayers, who had not had our privileges recompensed at all, felt that we ought to be at no expense to maintain roads for the landowners. That is one objection which we have; we say that the parties who get the land ought to make their own roads, and not to take the soil and then come upon the occupiers to make roads for them. The other that, up to this award, the town used to get materials for the public roads free; now the pit is given to the lord of the manor, and he charges one shilling per load, which at the late consumption would cost 40 *l.* per annum; now with the increased extent it will cost considerably more, particularly as the new roads are not half made.

1834. Are you an occupier?—I am.

1835. Do you occupy land in the neighbourhood of this common?—No: I occupy premises in the town; I appear as a parishioner in Swaffham. When I hired my place for 14 years, I had the privilege of turning on the common anything which I thought fit.

1836. You come here and say that the appropriation for the labouring poor is inconveniently situated, and I ask you why, at the meeting, you, taking an interest in the poor of Swaffham, did not represent that inconvenience: upon reconsideration, do you mean to tell us that if you had represented the inconvenience of the appropriation for the poor, you would not have been attended to?—I do not believe that there would have been any attention paid to them any more than to the barking of a dog.

1837. Why do you say that?—From the experience at that meeting; and other parties have expressed that opinion as well.

1838. At that meeting, did you hear any person stopped from giving evidence upon these matters?—I do not say that any person was actually stopped; but when a person is told that he has no legal claim, it is enough to shut him up, that is to say, if he has any sense about him. You were asking me another question, namely, the reason why I now take up this matter and did not do so then.

1839. Why do you take up this matter now?—Reading the discussions in Parliament, I saw the motion which was brought forward by Mr. Fawcett, and I also saw the statement made by Mr. Bruce, that no representation had been made to the Home Office; I found that certain Members were taking up the cause of the poor man; I thought that the Commissioners might, perhaps, have acted up to the letter of the law, though not to its spirit, and therefore I wrote to Mr. Fawcett.

1840. Then you come here with these representations, knowing that you had not represented the cause of the poor at the proper time?—No, I was told by the proper authority that I had no right.

1841. Mr. *Knight.*] And you believed it to be true?—Yes.

1842. What land do you occupy?—I occupy an acre, which I let off to my men.

1843. Mr. *Lowther.*] Do you say that the lord of the manor objected to the allotment being put in a particular place?—Yes; I heard him say so.

1844. What did he say?—I cannot say how that matter was; he said that it was a part of his freehold, or something of that sort. The allotment is in the worst part of the town; and in fact the trustees appointed under the Commissioners are now in treaty with a certain individual to exchange part of the present allotment for land close by the Pool.

1845. Mr. *Pease.*] Were no representations, that you know of, made to Mr. Wetherell, that these allotments for the labouring poor were in a wrong situation?—I do not know; I did not attend the subsequent meeting.

1846. And nothing that you know of was communicated to Mr. Wetherell as to these allotments being in a wrong situation?—All that I know of it is from hearsay.

1847. How far were the allotments from what you think to be the best situation?—I think that the allotment ought to have been laid as near the poor man's door as possible. The nearest possible point of the land allotted, and on the worst road, is a mile and a quarter from the nearest cottage; the poorest district of the town is over two miles away.

1848. How far would the place which you would have preferred be?—Two furlongs and 30 yards.

1849. And no representation that you know of was made to Mr. Wetherell on the subject?—I cannot speak to that.

1850. Mr. *Peek.*] Was the land near the town more valuable than any other ground?—Certainly not.

1851. That is to say, that the site which you would have pointed out was not more valuable than the site which was laid out?—I think that the land was a little better.

1852. Was it better situated, besides being nearer?—There was no difference in it, excepting in position.

1853. Although the poor people have exercised rights over the common for many years, the assistant commissioner told them that they had no rights?—No legal rights.

1854. Although those poor people had exercised rights, whether legal or not, for many years?—Certainly.

1855. Did no one at the meeting attend in the interest of the poor?—Plenty of notice was given of this meeting, so that everybody went who took an interest in the matter. Of course a poor man who could not leave his work did not go. A considerable number of the inhabitants went, but they were told that the poor had no legal claim.

1856. And upon that the poor gave up their claim?—Yes; I went to the Rev. Mr. Sumner, and asked him whether it was worth while to hold a public meeting; he said, "No, that the poor and the whole of the inhabitants had been shelved, and that we should only be exciting hopes which could not be realised."

1857. Lord *George Hamilton.*] You have spoken of privileges; whose privileges do you refer to?—My privileges as a ratepayer, and the privileges of the inhabitants.

1858. You do not allude to the privileges of any

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any particular class; do you refer to privileges which you had been enjoying before?—When I first went to Swaffham I had the right of turning on a pony, and then the Commissioners come and say, "You shall keep these roads in order; you shall pay rates to support these roads."

1859. The privilege to which you refer is your right to turn on a pony?—Yes.

1860. Mr. *Fawcett.*] As an inhabitant of Swaffham, and as a resident there, can you state whether ever since this inclosure has been made, there has been considerable discontent among the poor?—Yes; and ever since the award has been published, it has been among the little owners.

1861. Am I correct in stating that the reason why those complaints were not made to any efficient quarter was, that an impression existed, especially amongst the poor in Swaffham, that the thing had been done, and that it was of no use to complain about it?—Certainly.

1862. And you never would have thought of making those complaints unless it had been for the discussion which took place upon the Inclosure Bill during the present Session of Parliament?—Certainly not.

1863. In the report of that discussion did not you read the remark of the Home Secretary, Mr. Bruce, that no complaints had been made to the Home Office?—I did.

1864. And you were astonished to hear that assertion, none of you being aware that you could make complaints to the Home Office?—Certainly.

1865. And that was the reason why you communicated with me?—Certainly.

1866. What is the impression which exists in Swaffham as to the effect which has been produced upon the poor by this inclosure?—It will stop poachers, there will be less poaching; it will give more labour for a year or two, but eventually the real poor, that is to say, the destitute classes, will be a great deal worse off.

1867. You have said that with regard to this inclosure the poor have been completely shelved?—Yes; I mean the labouring poor, the working men.

1868. And you said that that was almost the universal impression in Swaffham?—Yes, excepting two or three men who get the lion's share.

1869. You quoted the opinion of Mr. Sumner?—Yes.

1870. He is the son of the late Archbishop of Canterbury? — He is son of Colonel G. Sumner, and a relative of the late archbishop.

1871. And he entirely agreed with you?—He did.

1872. What were the privileges which the poor previously enjoyed?—Whoever had a steer, or young calf, could turn it on the common, a herdman was kept, and there were donkeys. Here is an epitome which was put into the local paper when the assistant commissioner was there.

1873. Can you give any estimate of the number of stock which you have seen turned out?—Fifty, or more.

1874. And you consider that this privilege of turning out stock is a great boon to the poor?—Yes; if a man has to go four miles to his labour, it is a great boon to him to be able to keep a donkey.

1875. You say that at the first public meeting the assistant commissioner told the labouring poor, and those who were not owners of the property, that they had no legal rights?—Yes.

1876. From that assertion of his that you had no legal rights, by which I presume that he meant that you had no right to have land allotted to you, or in severalty, the poor, of course, like yourself, drew the conclusion that they had no legal rights?—Yes; it is of no use complaining about the law, we must try to alter it: we felt that it was of no use resisting the law if it was against us.

1877. And therefore you thought it was of no use to put in any statement, or to make any complaints with regard to the inconvenience of the land, which was reserved for allotments or for recreation?—Certainly; I thought that it was no part of my business that I was excluded from it.

1878. If at that time the provisions of the Act of Parliament had been distinctly explained to you, by which Parliament reserves land as allotments for the labouring poor and for recreation, and if it had been explained to you at the public meeting that you had a right to make complaints as regards land set apart for allotments or for recreation, do you not think that you would have made complaints as to the situation of the ground?—Certainly I should.

1879. Therefore these complaints were not made in consequence of the provisions of the Act of Parliament not having been properly explained to you?—I cannot say; I do not know anything of the Act of Parliament.

1880. If you had known that you had a right to make complaints with regard to the situation of the land, you would have made those complaints?—Certainly.

1881. You state that the land which has been reserved as allotments for the labouring poor is in such an inconvenient situation that it is perfectly obvious to anyone who visits the heath?—Certainly.

1882. It must strike every one who visits the heath, that one of the most inconvenient situations possible has been selected for allotments for the labouring poor and for recreation?—No; they might be put in a worse place.

1883. But still it would strike any stranger that they were put in an inconvenient place?—Certainly.

1884. The assistant commissioner stated, in reply to a question which I put to him, that the road to the allotment ground was a good road; can you state, from your local knowledge, whether that is correct or not?—That is a mistake.

1885. Are you aware that a man in your employment, named George Parsons, wrote to me?—Yes.

1886. Did he not express great dissatisfaction at the situation of the allotments?—Yes, and he perhaps expressed his own feelings because he is a little owner.

1887. And in that letter, did he not express astonishment at the fact that the labouring poor could have made complaints to the Home Office?—Yes.

1888. And the only reason why he did not come to be examined to-day is, that his wife is seriously ill?—Yes.

1889. Mr. *Knight.*] What amount of new road is laid out in the inclosure?—I do not know the extent, but the amount claimed by the valuer is 1,200 *l.*; that road is about half made, and we have to keep it in order.

1890. Colonel *Barttelot.*] Who has to keep that road in order now?—The parish; we who are ratepayers have to pay 8*d.* to the farmers' 2*d.*; that is another great inconsistency.

1891. Why is that?—Because they have the majority, and they rule us on the local board.

1892. Who appointed the herdman to look after the stock?—He has been appointed from time immemorial, I expect.

1893. What did the 6*d.* per head which was paid per week go for; did the herdman get it?—Yes, he had the rate as his wages.

1894. Could anybody living in Swaffham turn out upon the common?—I believe so; anyone who has a house.

1895. Are you sure?—I have known parties coming through Swaffham, such as tramps, stopped; but I have never known an instance of a parishioner being stopped.

1896. Was it reserved for those who had rights upon the common, or were those who had rights, or no rights, allowed to turn out upon the common?—There was no reservation.

1897. Do you know whether the lord of the manor appointed the herdman, or not?—I cannot say; the herdman was appointed by the court-leet of the manor.

1898. Mr. *Vernon Harcourt.*] What has become of the land which has been inclosed; how many hands is it in?—About 100.

1899. How long is it since the inclosure took place?—A part is being inclosed now.

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1900. Have any of the rights been parted with since that time to other people, so as to pass into single hands; have persons who got allotments under the inclosure parted with them?—Yes; I bought 25 acres myself.

1901. How much has been accumulated in a single hand?—I cannot tell you the extent.

1902. Mr. *Martin.*] You said that when this common was inclosed they would not let persons go on?—They will not let them do so now; there is a fence. Men used to go and pretend to cut ling, and used to become poachers.

1903. Is the common very large?—It is upwards of 2,300 acres.

1904. Mr. *Fawcett.*] Was the common much used by persons walking over it for purposes of recreation?—They used to walk over it on Sundays; but it was not much used.

1905. You say that the inhabitants used to have the right of cutting ling, and so on, there?—Yes.

1906. Was that a great boon to them?—Yes.

1907. It was a very important addition to the income of the poorest persons?—Yes.

1908. Some of the poor almost got a living by it?—Yes.

1909. And under the allotment they have no compensation for that?—They have not any.

Mr. John Bonham-Carter, a Member of the House, called in; and Examined.

1910. *Chairman.*] Do you live in the centre of a district in which many inclosures have taken place?—Yes; I live at Petersfield, which is on the borders of Hampshire and Sussex. The whole of that country within a great many miles has, since the beginning of this century, and to a great degree in the last 20 years, been subject to inclosure.

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1911. What number of recent inclosures have come within your knowledge in that neighbourhood?—I think about a dozen inclosures in contiguous parishes.

1912. Have you anything to state to the Committee with reference to the circumstances under which those inclosures took place?—I have listened to the greater part of the evidence which has been given before this Committee, and it has struck me that the deductions from the tabular statements in the Inclosure Commissioners' Report give a very erroneous impression as regards recreation and allotment grounds, compared with either the intention of the parties inclosing or the requirements of the particular case. The district in which I live is of such a varied character that each inclosure is almost typical of some of the cases which have come before the Committee. The country is an amphitheatre of the South Downs which slope into a valley, so that within a very short mileage the land varies from almost pure chalk to very heavy clay and light sand, and it appears to me that every one of these inclosures present different features, which can only be efficiently dealt with by an examination on the spot, and that it is very difficult to give to any body of individuals, sitting as the Committee does here, at a distance, a full view of the interests of the different parties, and that it is certainly not possible to give it to them fully in the detail which is set forth in the Appendix to the Report of the Inclosure Commissioners. Those reports in three or four lines practically give the pith of the statement, and are well condensed from the assistant commissioner's reports, and they must be taken as the opinion of persons in whom the country places confidence, but as not at all showing the care or attention which is given to those particular inclosures, or the trouble which is taken upon the spot.

1913. When you say that the tabular statements of the Inclosure Commissioners mislead us, do you mean that, although *primâ facie* there appears to have been a very small quantity of ground set apart for recreation ground and allotment gardens, yet, from a fair investigation of the subject, we should find that a sufficient quantity has been set apart?—That is my entire belief, and I justify it by the particular circumstances which have occurred within my own observation.

1914. Can you inform me of any such cases which fall within our inquiry?—This is the Ordnance Map, with the boundaries of the parishes set out; this is a map of the district which extends from Woolmer Forest to the very corner of the Forest of Bere, which have been inclosed by the Government; Bere Forest is not very far from Portsmouth. The greater part of this country has been inclosed since the beginning of the century. The range of the South Downs is here (*pointing out the same*); there are seven consecutive parishes, in all of which inclosures have taken place within 20 years, most of them very recently. In the case of the downs, the inclosures were of commons subject to stinted rights, and therefore no allotments or recreation ground was set out excepting in the case of one common, which was inclosed before the General Inclosure Act was passed.

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Under the old Inclosure Act it was an almost invariable practice to reserve, without leaving it to the parties to object, a certain amount of land for exercise and recreation, and allotments for the labouring poor, and therefore that was done in the case of the inclosure of Ramsdean, and Oxenbourne Downs; those are very steep downs, with a small proportion of heavy clay on one side of them; the exercise and recreation grounds set out there have to my knowledge never been used from that time to this; it was quite impossible from the nature of the ground to set out recreation grounds nearer the dwellings of the labouring poor; that was before the passing of the General Inclosure Act. I wish to speak as much as possible, not to what arguments were urged at the time, but as to what has happened subsequently with regard to the allotments which were set out. That was the first inclosure; that inclosure arose entirely from quarrels amongst the farmers, and it was to adjust their rights. The farmers signed the requisite statement that the common to be inclosed consisted of 1,000 acres, and when it came to be inclosed they said that it turned out to be 400 acres; therefore there is no reason for surprise that they should have quarrelled; that was the ground for that inclosure. The next inclosure in which I was lord of the manor was of the same character, namely, stinted common; there were only two commoners, and no allotments for recreation ground or for the labouring poor was called for under the Act, or set out. There would have been no objection if they had been set out, but all that part nearest the village being down, there was no possibility of having cottage gardens. In that parish, the rector himself had the glebe, in which he gave a large quantity of cottage garden, and the principal tenant let out a large amount of cottage garden, both of these being land of first-rate quality: a large amount of that inclosure still remains open, and except when nuisances are created, the inhabitants are allowed to come on that ground, and they constantly use, as a walk, the ground which leads up to an eminence. In consequence of these inclosures, a feeling arose in the district, that the land should be further inclosed. Petersfield lies in the centre of a basin, having a common adjoining it, of about 200 acres, but not in the parish; and it occurred to myself, and to my neighbour, Lord Hylton, who was then Sir William Jolliffe, that seeing that this common was not in any degree utilised, and that it was encroached upon by persons who had no right, and were trespassers, it would be much better to have it in severalty, and to set out a recreation ground for Petersfield, which actually had no right upon the common; it was one of the cases of a common of vicinage, the largest part of which belonged to parties with very defined rights; Petersfield had only about seven acres as common of vicinage, and another tithing had the right of about 35 acres; and by representing the matter to the parish of Sheet, which had the largest portion, we found no difficulty in arranging that the 35 acres in Sheet, and nearly the whole of the land in Petersfield, of which Sir William Jolliffe was then the lord, and who undertook the whole cost of that part, and a portion of the 35 acres adjoining, of which I was also the lord, should be thrown together into one area, and under the powers of the Act should be vested in Lord Hylton and myself as trustees, for recreation ground; this was under three separate inclosure proceedings.

1915. How much total ground for recreation did that make?—Thirty-five acres were set out in Sheet; I think seven acres in Petersfield, and four acres in the adjoining parish of Buriton.

1916. Was that done under the powers of the General Inclosure Act?—Yes; there was a meeting for instructions, and the instructions to the valuer were to set out this land subject to a certain authority vested in Lord Hylton and myself as trustees of this recreation ground; it was levelled, and drained, and fenced at the expense of the inclosure, and then the herbage was vested in Lord Hylton and myself, for which we paid a considerable sum, and the recreation ground is now maintained partly by turning on a limited number of cattle, and the proceeds are devoted to what may be called the payment of a recreation guardian, a man whose time is entirely devoted to the maintenance of this ground; I should add that a broad terrace-walk round a large mere adjoining this recreation ground, was made at the expense of the inclosure.

1917. Has experience shown that that arrangement is a satisfactory one?—I believe that the arrangement is entirely satisfactory. I believe that the advantage to the town of Petersfield, which had originally no legal rights, is exceedingly great, and that great benefit has been derived from thus dealing with a common of 200 acres, which formerly was very wet and was covered with furze, and never gave one-tenth of the enjoyment to those who went on it which it does now, taking the recreation ground of the size which I have mentioned, and which has been cared for, and over the whole of which persons can now travel. I mention this case, because it is one in which a much larger amount of land than the Act required was, by common consent, dedicated to the public, and clearly no disposition to ignore the interests of the poor existed, yet, in respect of which, in three inclosures affecting the common, no allotments for labouring poor in cottage gardens would appear in the tabular returns, and any inference of neglect from the simple figures would be erroneous.

1918. Is there any other inclosure in that neighbourhood in which ground has been set apart for recreation or allotment gardens?—Yes; in all the other inclosures in that neighbourhood there has always been some ground set aside for recreation and for the labouring poor, but with very different results. In some cases the allotments have been readily taken up, and are held, and the rent is paid, but in some cases they are absolutely neglected. One case was referred to by Mr. Tremenheere (and which was one of the reasons why I asked to give evidence here), namely, the case of Rogate, in which he stated, as was true, that the interests of the poor had been overlooked. The allotment ground is not at this moment broken up at all, and the clergyman has not succeeded in inducing the labourers to break up this ground. Almost all the cottages have very good gardens, and this allotment ground was almost entirely the result of Mr. Wetherell's suggestion. There was no intention at first to set out allotment gardens, but upon viewing the spot (which, as far as I have observed, Mr. Wetherell has always done) Mr. Wetherell suggested that it was better to set out a piece of inclosed land. He suggested that a piece of land should me made allotable, and that the piece

piece of land which was set out as allotment garden should be exchanged for land, which, in his opinion, was most convenient for allotment garden. But although Mr. Wetherell was anxious to afford this opportunity, it has never been made use of by the cottagers who are adjoining. They have all very good gardens of their own. That applies to the Rogate Inclosure, which is close to my residence, and in the county of Sussex. I have taken the inclosures here consecutively, as they stand upon the map. There is also an inclosure which adjoins my house, and the land is almost entirely heavy clay. I do not think that upon a sale of the land, if it was sold in the market, even at the increased price which is given to it as being inclosed and turned to account by cultivation, it would cover the expenses of the inclosure. But that inclosure was really carried out, because there were such an immense number of squatters whose cottages were of the very worst possible character; they were the causes of fever, and fever has been almost permanent in that parish. It was done partly to relieve the poor rates, and partly to improve the condition of the poor, which it would have done very largely; but even there, the allotment gardens are not used.

1919. From your experience, what do you think is the amount of land which may be appropriated to a labourer?—There are allotments of two acres within 300 yards of my own house; that is very light land. There is also an allotment of land which I let, which was originally held by the rector before I bought the property, and which is exceedingly good land. The consequence of that is, that the allotment set out under the Inclosure Act is not very much sought after; it is poor land, and it is within a quarter of a mile of the village. From what I have seen, I think that if the land is good land, and it is not far from the cottages, from 20 to 25 rods is as much as a man wants and can manage.

1920. Have you any suggestions to make to the Committee as to amendments in the law as it now stands?—It strikes me that a little more latitude might be given to the Commissioners. I have always observed, that Mr. Wetherell at the meetings which he has held, at many of which I have been present, and at some of which I have presided, has considered himself as a sort of poor man's advocate; when it has not been suggested in the preliminary application, he has always asked the question, and has always gone on to the ground, and he having looked at the tithe maps and having seen the ground, has always pointed out the best place for these allotments. I have never seen any difficulty in conceding these allotments. It is true, that in the original application that provision is not always included, but that is because the assistant commissioner is the person who would from his great experience of these matters present certain reasons as to the propriety, or otherwise, of setting out the ground. I must say that at the many meetings where I have been present, and certainly at those where I have been in the chair, there has been every desire to give every person who has had any *locus standi* the fullest opportunity of stating his case. The proceedings on these inclosures are generally spread over a very large period of time, and an immense number of small debateable points are raised. During that period it seems to me almost impossible that any person who has been aggrieved should not find a mouthpiece, either through himself or through some other person. Of course those parties who are closest to the common, and who have derived the largest amount of advantage, are dissatisfied when they lose that advantage; but excepting in the case of turbary I have not known any case in which the poor have complained; and I consider that they have obtained a very great and direct advantage.

1921. Do you consider that, generally speaking, the question of the benefit of the poor as to the recreation grounds and allotment gardens, has chiefly fallen upon the assistant commissioner?—No, I do not say that it has fallen upon him in that sense, but at the meeting, I think that he has generally been consulted by the promoters as to what ought to be done. I do not think that there has been any disposition to exclude the poor, either as to the allotments for the labouring poor or for recreation, but it has been generally supposed that the Assistant Commissioner had knowledge upon the subject, and that there would be an arrangement with regard to the poor. The clergyman generally attends the meeting, and I have never found any case in which there has been any desire to exclude information regarding the poor, as well as respecting those persons who have wanted the land in severalty.

1922. Do you see any way in which the difficulty can be got over with regard to an exchange of allotments for the labouring poor, where it would be desirable to exchange them for a more desirable piece of ground?—It appears to me that the limitation of area for area is very undesirable, and that it would be desirable that the assistant commissioner should put the question distinctly before the meeting whether some arrangement may not be attempted by allotting a piece of land, in lieu of a larger allotment, upon a common which is at some distance from the village, or from most of the cottages. I believe that that is the rule at present, but I do not think that it is very effective, and I think that the Commissioners should have the power of carrying out cheaply any exchange of this sort almost at any point. At present, under the Act of last Session, certain fees are, I believe, placed upon inclosures, but as these allotments and recreation grounds are, generally speaking, small in quantity, and not of any very great value, I think that there ought to be no difficulty placed in the way of such an exchange. I think that those fees ought to be remitted, and that facilities should be given by law to bring the allotments and recreation ground nearer to the population.

1923. Do you consider that that power might be lodged with the Commissioners?—Yes; I think that the assistant commissioner is, in the first instance, the eye of the Commissioners; he investigates the case upon the spot; and the Commissioners are a court of appeal. They could not in that character themselves make the first inquiries. I think that they might carry their powers a great deal further, as regards the interests of the poor and looking after the inclosures, than they are empowered to do, because, after the award is once given, the power of the Commissioners ceases for all practical purposes.

1924. At present they have no compulsory powers even for the enforcement of the bye-laws or regulations, which they make, and certainly not

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for controlling the discretion of the trustees who have the care of these grounds; do you see any way in which, without too large an expenditure of money, such a control could be exercised by the Commissioners after an inclosure was completed?—I think that at present the arrangements for the regulation of recreation and allotment grounds are not sufficient, and that in the case of even convenient allotment grounds they run to waste, because there is no legal power of dealing with them; and the same with regard to recreation grounds. I know a recreation ground on which only once in several years a game of cricket has been played, though it has been set out for that purpose; I think that these grounds which became wastes by non-user might become more available by money being expended upon them, either by rate or otherwise.

1925. Have you any other suggestion to make for the amendment of the law?—I think that the valuer is very often not sufficiently controlled by the Commissioners, and that they have not the power of controlling him; in one instance we had a valuer who got us into hot water, and who did not carry out the views of the Commissioners under the inclosure, and I think that additional powers should be given to the Commissioners to control, or to remove the valuer; I think that a greater power of exercising control ought to be in their hands.

1926. Do you not think it rather important that the valuer should be an independent authority, free to act upon his own judgment, without control with regard to his decisions; in what respect do you think that he should be controlled?—If he does his work dilatorily, and negligently, having once got possession of the inclosure, the valuer may incur very great expense, and may protract the proceedings for a very long time, and he sets both the commoners and the Commissioners at defiance. When it is recollected what an exceedingly large amount he has constantly under his charge, I think that more control ought to be exercised over him; I think that in those cases which occurred in my experience, the largest portion of the expenditure was upon the roads, which of course are exceedingly valuable to the poor; many of the points with regard to the roads, as to the way in which the contracts were made, gave rise to very great difficulty, and supposing that a valuer chose to do anything excessive (though I do not say that he would do so) there would appear to be no remedy in the hands of the Commissioners; I should like to mention one cause for inclosures, which I have not heard referred to, and which certainly operated with us in our part of the country: it was not supposed that the Statute of Philip & Mary, with regard to impounding, was operative; but about 10 or 12 years ago a decision was given that it was not obsolete, and that any impounding of cattle must be subject to that Act, which fixed the fee as 4 *d.*, as all which under any circumstances could be taken for the impounding of cattle. The consequence was, that trespassing, which existed to a very large amount on these commons, could not be checked, and that that was a very great additional inducement to the commoner, whose rights were constantly encroached upon to assent to the inclosure; I think that this Act might be modified.

1927. Mr. *Liddell.*] Have you any further suggestions to make with regard to the notices which are given of an inclosure; do you think that the neighbourhood, as a rule, is sufficiently aware of the scheme for an inclosure beforehand?—I think that it would be a desirable thing that the form of questions which are issued by the Inclosure Commissioners, and which have to be answered before an inclosure takes place, should be published in some of the local papers, so that the people in the neighbourhood should be more fully aware of the step which was proposed to be taken; in my part of the country there is a penny newspaper which circulates among the poorer classes, with a circulation of something like 20,000, and which is immensely read, and I think that it would very likely prevent heart-burnings if the original questions which apply to the inclosure were made more public than they now are.

1928. Yours, perhaps, is a very populous and enlightened neighbourhood, but there may be other parts of the country in which no newspapers circulate; do you think that measures might be taken in more remote districts for giving notice that an inclosure was contemplated?—As far as I have seen the notices of the inclosure have been posted upon the church doors, and elsewhere; I think that they should be posted in several places near any common which is about to be inclosed.

1929. You think that every practicable means should be adopted of acquainting the whole of the district of the contemplated inclosure?—Certainly.

1930. Mr. *Johnston.*] In the case of the Rogate Inclosure, you said that the allotments were not broken up?—Yes.

1931. In the case of their being let free of rent, say, for the first two years, do you not think that that would very likely induce them to break up the ground?—They only pay 1 *d.*, 2 *d.*, or 3 *d.* a rod, and I do not think that the amount which they pay is any objection.

1932. Still, if they pay anything for rent, is it not a bar to a labouring man, seeing that he would be paying cash, in addition to giving his labour entirely unproductively, as far as the first year is concerned?—As I understand it, the allotments are to be let at the rent which agricultural land would fetch; in those cases I think that it is quite competent for the allotment wardens to assume that the rough land could not in that condition be let at any but a nominal rent as agricultural land, and let it accordingly to break up in the first year.

1933. Do you know whether any such offer has ever been made by the allotment wardens; do not you think that if such an offer were made it might have some effect?—I think not in the case to which I refer; I think that the land is strong land, and that they have quite sufficient land at present.

1934. Mr. *Fawcett.*] You have alluded to the report which is annually presented to Parliament; did not you say that it was not complete?—I said that it was a correct condensation of the reports of the assistant commissioners to the Commissioners, but that no condensation could convey the actual facts, and that in these cases you must put confidence in the assistant commissioner.

1935. You stated that the country had the most implicit confidence in the assistant commissioner?—I am not aware that that was my phrase.

1936. I understood you to say that the Inclosure Commissioners were a body of gentlemen in whom the country had implicit confidence?—I did not intend to give an opinion as to the confidence of the country, except so far as it comes within my observation; but with reference to the inclosures in my neighbourhood, of which there have been a large number, I have never heard the acts of the Commissioners in any way impugned, and I believe that their decisions, as carried out, have hitherto been such, that I may safely say that they have the confidence of all that part of the country with which I am acquainted.

1937. In most of those inclosures in which you have been interested you have taken some public part, have you not?—Yes; in a large proportion of them.

1938. Then we are to understand that your observation with regard to the confidence in the Commissioners is confined to those inclosures in which you have been interested, or in which upon public grounds you have taken a part?—I have had very considerable opportunities of observing the conduct of the inclosure by the assistant commissioner, and I have been very greatly impressed with the ability, and care, and kindness with which those meetings have been conducted, and the readiness, I may say, on the part of everybody to hear all that could be said. I may say that an immense quantity of time has been wasted in giving everybody who wished to say anything with reference to the inclosure an opportunity of being heard.

1939. Then your observation as to the assistant commissioner does not refer to what has taken place throughout the country, but refers to those inclosures which were considered at public meetings at which you were present?—It refers to about 14 inclosures in the district of country in which I reside.

1940. And with which inclosures you are personally acquainted?—Yes.

1941. Your opinion does not arise from an investigation of the general subject, but merely from those particular inclosures in which you were interested?—I was naturally interested in the way in which a public function was exercised, and my opinion was that it was exercised satisfactorily to all parties concerned. Of course, some of the poor were not at first prepared for a curtailment of certain rights and privileges; but those were generally privileges arising from their living nearer to the commons than other poor people.

1942. You have always taken a great interest in the welfare of the poor living in your neighbourhood; is not that a subject which has greatly interested you?—I do not think that anyone can feel that he has done his duty fully to the poor; but I hope that, consistently with my duties here, I do not neglect them.

1943. If you were present at a meeting where an inclosure was being discussed, and if the poor were not properly protected, the impression would exist in the district that the mere fact of your presence in the room would defend them?—I do not know that I am entitled to say that I should do my duty there better than any other person under similar circumstances.

1944. Supposing that a case arose similar to that at Withypool, in which only one acre had been reserved as a recreation ground, would not your interest in the welfare of the poor immediately induce you to step forward, and, if you had any right to be heard, to demand an explanation from the assistant commissioner why more land should not be reserved?—If I had been at the meeting I certainly should have satisfied myself as to whether more land was required, or not. If I recollect rightly, the question at Withypool was whether or not more recreation ground was required for a school.

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1945. The answer of the assistant commissioner was that no other ground was suitable for a school?—I think that I may answer that question by saying that Lord Hylton and myself on one occasion, when circumstances required it, purchased a small recreation ground, because it happened to be adjoining a school, which being for young children, a large space was not necessary.

1946. Do you not think that it might make a very considerable difference as to how the poor were provided for, whether or not it happened that a gentleman like Lord Hylton, who took an interest in the poor, was present at these meetings which the assistant inclosure commissioner held?—From all that I saw of the action of Mr. Wetherell in the matter of the inclosures, my impression certainly is, that he would be very anxious to see that the claims and interests of the poor were duly observed.

1947. Mr. Wetherell said that he reserved only one acre in a particular case for a recreation ground, and he alleged as his distinct reason that no other ground was fitted for the purpose; if he had taken the trouble to walk to the common, he would have discovered that immediately touching that common there were seven acres equally adapted for a recreation ground; how can you reconcile the opinion of Mr. Wetherell with that fact which has been brought out in evidence, and which has not been refuted?—From all my experience of Mr. Wetherell, I should have felt that there were some reasons which were satisfactory to his mind. I understand the Honourable Member to say, that Mr. Wetherell's answer was, that there was no other land within a certain distance fit for a recreation ground, and that that was the only reason given. I should have been rather surprised to find him wrong, and I certainly should have considered that Mr. Wetherell's experience was such, that it would be put before the opinion of any one single witness in this matter.

1948. Should you consider that the evidence of a stranger, as to whom there was not any evidence that he had ascertained the steepness of ground, was to be put before the evidence of two respectable witnesses who held an important position in the parish?—From what I saw of Mr. Wetherell I should say that he went over the ground himself, and that he took the evidence of other parties upon whose evidence he could form a competent judgment, and that therefore there was every guarantee against any mistake.

1949. With regard to the inclosures at Rogate, can you describe the rates at which they have been offered to the labouring poor; do you know the exact amount of rent at which they have been offered to them?—No; I have made it my business to inquire into the returns which were made to the inquiries sent out by the Commissioners, and I do not find that any return was made from Rogate.

1950. You are possibly aware that from the evidence which has been given us, it appears that the poor are often asked a price for allotments, which

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which is three or four times the agricultural value of the land?—The agricultural value of the land, for ploughing purposes, is very often much less than it would be for spade husbandry, and as far as I have seen, those persons who hire fields from farmers to let out again, which is often considered a very great boon to a labourer, have constantly to pay a very large rent to the farmer, who will not part with his field except for that larger rent, but nevertheless they have no difficulty in letting the allotments at a rent which will recoup them, provided that they are of sufficiently good quality, and sufficiently near to the cottages.

1951. As you do not know what rent has been asked for these allotments, which, as in the case of Rogate, have not been used, you cannot state whether or not the reason why they have not been used is on account of the excessive rent which has been asked for them?—I have a most thorough opinion that that is not the reason.

1952. Upon what do you base that opinion?—It is from what I know of the owner of the adjoining land, the lord of the manor, and from what I know of the clergyman.

1953. Have not the allotments to be let by the allotment wardens?—Yes; but a resident gentleman can generally exercise a good deal of influence, and can influence the dealing with the allotments on his property.

1954. You cannot give us any definite information as to the fact whether or not these allotments have been kept out of cultivation because of the excessive rent asked by the allotment wardens?—I have no doubt that it is not so, but I cannot give any definite information; I know that all the cottages which are near this piece of land which Mr. Wetherell directed to be set out have very large gardens, and I believe that it is the natural want of demand which prevents the allotments being taken.

1955. Do you know the size of these gardens?—Some of them, I should think, must be an acre or two; and from what I see of them, I should say that these gardens which they have round the cottages are not all broken up.

1956. You have frequently referred to the assistant commissioner; do you not think that the assistant commissioner, as compared with the Commissioners, is the responsible person in the case of these inclosures?—I think that he is primarily the responsible person; I think, also, that it is because the Commissioners have, in fact, so good an assistant commissioner that there are very few appeals.

1957. Did you hear Mr. Darby's evidence?—Yes.

1958. After hearing that evidence, do you not think that the assistant commissioner is something more than the eye of the Commissioners, and that he is also the body and the limbs?—The assistant commissioner gives the first report, and the Commissioners usually accept the recommendations which come from the assistant commissioner. The assistant commissioner first goes down and makes his statement to the Commissioners, and he afterwards very frequently goes down and acts as an assessor, but the appointment of the valuer and all the other business, which is very extensive, is in the hands of the Commissioners.

1959. You have referred to Petersfield, and to a recreation ground being set out for that town through the liberality of yourself and others?—Yes.

1960. That recreation ground is about 47 acres?—Yes.

1961. You are probably aware that if it had not been for the liberality of yourself and others, the Act of Parliament would have precluded so large an amount of recreation ground being set out?—I am quite aware that the amount of recreation ground which could be set out by the Commissioners could only be 12 acres.

1962. Therefore this recreation ground did not result from the Act of Parliament, but from a private arrangement with the owners?—Twelve acres could have been set out under the Act of Parliament, whereas over 40 acres were set out.

1963. From your experience, do you think that it would be well to alter the Act of Parliament, and to leave the amount of recreation ground absolutely in the discretion of the Inclosure Commissioners, as is the case with regard to the allotments for the labouring poor?—I think that four acres is too small an amount. With regard to Petersfield Heath, I think that it was a matter of neighbourly feeling. If we had proceeded according to the Act of Parliament, the inhabitants must have been content with 12 acres; but that was not the spirit in which any of us acted, and we felt that it was for the advantage of the neighbourhood. I think that greater discretion might be left in the Commissioners.

Mr. Edward Carleton Tufnell, called in; and Examined.

Mr. *E. C. Tufnell.*

1964. Mr. *Knatchbull-Hugessen.*] You have had great experience as to the habits of the labouring classes?—Yes.

1965. And you are now one of the Commissioners appointed to inquire into the employment of women and children in agriculture?—Yes, and the extension to them of education, and especially with reference to the education of the children.

1966. In your examination of that question, have you formed an opinion as to the operation of the present allotment system?—I believe that the present allotment system is very advantageous to the labourers, but that it is not advantageous unless it is given directly into their hands. With respect to the size of the allotments there is an overwhelming amount of evidence to show that as a general rule an allotment should never exceed a quarter of an acre.

1967. Is the opinion which you have just expressed based upon the evidence given before you, the Commission, as to the employment of women and children in agriculture?—Yes.

1968. Do you agree with Mr. Wetherell in his answer to question 643, in which he says, "I have referred to parish officers; I have referred to farmers, and I have referred to the labourers themselves, and I have made special inquiries as to what has been done where allotments have been set out, and the conclusion at which I have arrived is that one-eighth of an acre, namely 20 poles, is as much as a labouring man can do justice to"?—According to the evidence, generally 20 poles is quite sufficient. An estate which

which has had more allotments laid out upon it than any other is that of the Duke of Bedford; he has 1,250 allotments, and they run from 20 to 30 poles, 20 poles being the ordinary and most approved amount, that is an eighth of an acre.

1969. Do you think that any amendment of the law extending the powers of the commissioners, and giving a larger sized allotment, would work satisfactorily, or the reverse?—I think that it would work unsatisfactorily, because there is a considerable danger of turning the agricultural labourer into a small farmer. A large body of evidence has been given upon that subject. In some parts of the country the allotments are very large, especially in the neighbourhood of Bristol, there are several parishes in which very large allotments are given, the allotments there are very large to the labouring men who cultivate them by themselves and their families, and they operate very disadvantageously upon the school since they employ their own children, who consequently get no education, a result which is contrary to the objects of the commission to which I belong. In Lincolnshire, in some cases, the land is occupied in very small farms, of three or four acres. According to the evidence which we have received there, the children of those farmers get less schooling than the children of the hired labourers, and the relieving officer says that they are more indifferent to education than hired labourers, or if not indifferent, less able to afford it. The children of very small farmers descend to the condition of the lowest class of labourers, simply from the want of education. Thus, so far from these small farms enabling a man to rise out of the condition of a day labourer into one of comparative independence, it has exactly the reverse effect, and lowers his family in the scale of civilisation.

1970. Do you think that any improvement in the constitution of the allotment wardens is possible, and if so, what suggestions would you make upon that subject?—I think that the alteration which Mr. Tremenheere proposed would be extremely injurious, and would never pass. His idea was that the clergyman should be practically put into the position of sole administrator of the allotments. The instant that such a measure as that was introduced into Parliament, you would, of course, have the Presbyterian minister, and the Wesleyan minister, and the Roman Catholic minister, saying, "Are we to be prevented from having some authority over the allotments, simply because we do not belong to the dominant religion"? The present disposition of the public generally, is to put all religions upon an equality, and I think that no minister would venture to make such a proposal; with respect to allotment wardens, I do not see that it is possible to have any other persons as allotment wardens than the parish authorities, because you could not get any other persons to take the duty.

1971. You would not recommend any other person to take that duty than the parish authorities?—I think that in most cases of country parishes no other persons than the ordinary parish authorities could be found.

1972. Mr. *Pease.*] Do you agree in the opinion which Mr. Darby expressed, that as soon as a labouring man had hired labour on his allotment, his allotment ceased to be an advantage to him?—Yes. The moment he commences the business of a farmer he probably descends in condition, lives harder and brings up his family worse. It is a common saying in some parts of the counry, that the worst employer a man can serve is himself.

1973. Mr. *Fawcett.*] A considerable body of evidence was presented to you, as one of the Commissioners to inquire into the condition of people employed in agriculture, showing that in certain cases half-an-acre had worked, and might work, to the advantage of the labourer?—There is some evidence on both sides; but the preponderating evidence is, that an amount beyond a a quarter of an acre, or even one-eighth of an acre, is injurious.

1974. When you say, the "preponderating evidence," do you mean that those persons who speak in favour of only a quarter of an acre, state that in any case half-an-acre would be injurious?—I can imagine that in some cases half-an-acre would not be injurious; but, in most cases, all those persons who have had to do with allotments say that they should be confined to a very small quantity.

1975. But still it is the opinion of persons, who gave evidence before you, that half-an-acre might be an advantage?—I would not untie the powers of the Commissioners in that respect. Where it was desirable, I think that you find the landlords quite willing to give that amount, and if you gave power to a public body to do it, there might be danger of giving too much land, and thus injuring the labouring population. I believe that, in a great majority of cases, half-an-acre of land is rather too much than too little.

1976. *Chairman.*] I suppose that the principle on which the amount of land should be settled is, that a sufficient amount of ground should be given to a labouring man, so as to afford him an opportunity of employing the leisure time which he could devote to the cultivation of his garden without interfering with his ordinary engagements?—Certainly.

1977. Do you apprehend that in some instances an allotment, as large as half-an-acre, might withdraw him from some other occupation which he might follow?—I think that if it were more than that it might induce him to withdraw his children from school, which would be a great evil.

1978. Colonel *Barttelot.*] The allotment would be of no use, would it, if it was more than half-a-mile from the residence of the labourer?—It would be of comparatively small use.

1979. Sir *Michael Hicks Beach.*] Where the allotment was half-an-acre, and where it was perfectly cultivated, did not the witnesses before you state that it was cultivated by the plough, and not by spade husbandry?—In some cases it may have been done in that way. Those persons who have spoken most against large allotments seem to me to have omitted a point, which, in my view, is a most important one, namely, that there is a tendency to prevent the children being educated.

1980. That is the reason why you mainly object to them?—Yes; it reduces the families of those who have large gardens, and even the families of small farmers to the condition of the lowest class of labourers, from the want of education.

1981. Do you not think that the allotment should be cultivated by spade husbandry, and not by the plough?—Yes.

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1982. Mr. *Liddell.*] You have had an opportunity of examining a great many labourers themselves upon the question?—Yes.

1983. Is the mass of evidence which you have taken from labouring men in favour of a larger allotment than a quarter of an acre, or not?—It is generally confined to the smaller quantity.

1984. Then the labouring men generally say that a quarter of an acre is sufficient for their purposes?—Yes.

1985. Is that distinctly the result of your experience?—Yes. I have been one of the Assistant Poor Law Commissioners for 15 years, and I have attended every board of guardians from Penzance to Ramsgate, and the whole question has been before me; I have resided for a short time in several parishes in that part of the country, and therefore I am personally acquainted with the matter in addition to the evidence which I have received as one of the Commissioners appointed to inquire into the employment of young persons in agriculture, with a view especially to the better education of the children.

1986. In your recent investigations into the condition of the agricultural labourers you did not examine any witnesses, did you?—There is no examination of mine in this report.

1987. Mr. *Lowther.*] With respect to the allotments at Bristol you said that they were larger than others; of what size were they?—They were allotments to labouring men; they operated very disadvantageously upon the education of the neighbourhood; they were from four to ten acres in size.

1988. Mr. *Martin.*] Those allotments are not in grass, are they?—No; the object is to grow vegetables to sell in Bristol.

1989. Mr. *Leveson Gower.*] Am I to understand you to say that excepting a labourer had had children, no labouring man could benefit by an allotment of more than a quarter of an acre of allotment land?—Not exactly; I think that if a man has more than a quarter of an acre he is more likely to be injured than benefited; and, if he has children, the probability is that those children will be deprived of education for the purpose of employing them on the land; such is the common result in all large allotments and small farms.

1990. *Chairman.*] Are there not many instances where the allotment ground has been used for the growth of fruit trees, and in that way has yielded a considerable profit to the owner of it without entailing this additional amount of work from his children?—I believe that fruit trees are not generally advantageous to a labourer; because, in the first place, the crop is extremely precarious, and I can mention the evidence of Mr. Cobbett, the well-known polictical writer, who published much in favour of allotments, but who strongly recommends labourers never to have fruit trees in their allotments.

Mr. NATHAN WETHERELL, called in; and further Examined.

Mr. N. Wetherell.

1991. *Chairman.*] SINCE we had the pleasure of hearing your evidence, we have had before us two residents from Withypool, and the statements which they have made do not agree with the opinions upon which you informed us, that you had determined on setting apart only one acre there for recreation ground; may I ask you whether in your visits to Withypool, you personally inspected the ground, or whether you only gained your information from what was stated at the meeting?—I personally inspected the ground; in fact, you cannot get to Withypool without passing over the spot.

1992. Am I to understand that you were of opinion that the one acre which you set apart for recreation ground was of a different character as regards steepness, or other circumstances, from a considerable portion of the common which was closely adjoining that one acre?—Yes, it lies close to the river on a flat; as you enter Withypool it lies on the left. (*The Witness pointed out the position to the Committee on a map.*)

1993. It has been stated to the Committee that a portion of the common of about seven acres on the eastern side of the road, is exactly of the same character as that one acre on the western side of the road, which you set apart for recreation, and is equally suitable in every respect to the one acre; what have you to say to that statement?—My impression is, that the gardens would occupy a good deal of that side, (*pointing to the map*). The acre set out for exercise and recreation is here (*pointing out the same*).

1994. It has been stated to us that the portion set apart for recreation is on a slope, but that the portion to the east of the road is on a similar slope, and that it is equally suitable for recreation ground?—I think that it is a much steeper slope.

1995. Are you still of opinion that if you had desired to set apart more than one acre for recreation ground, there was not a portion of the common which would have been suitable for that purpose?—I think that it might be set apart if it were merely for the purposes which were referred to on my last examination, but not for cricket, or games of that sort; it is on too steep a slope for that purpose.

1996. As the common is now used for purposes of recreation by the inhabitants, do you conceive that the mere fact of its being recreation ground would render land, which is at present employed for recreation, unsuitable for that purpose, because it was called a recreation ground?—Certainly not.

1997. So that the mere fact of its now being in use would have justified you in assigning a larger portion than one acre?—The chief reason why I did not set out more was that there was evidence before me that the land had not been used for that purpose.

1998. Had you reason to doubt that the inhabitants of a village would naturally use for purposes of recreation a large common which was near them; did you require actual evidence of the number of times of their going upon that common to induce you to suppose that they used it?—They might have walked over it, but I do not think that they used it for any games. I never heard of any such user.

1999. When the Commissioners have to set apart a recreation ground, do they confine its use to games, such as cricket; do they not rather look to the purpose for which parks are usually

usually employed, namely, the purpose of walking, or sitting, or breathing fresh air?—They undoubtedly would not confine themselves to setting out allotments for exercise and recreation, in those cases only where the ground was used for games; if it was near the village they would do so, and I have always done so. The former assistant commissioner set out two acres, but the parties afterwards said that one acre was sufficient for the school children, and that the ground had never been used for games.

2000. You have stated that you had been told that the children had other commons on which they could rove about; we have been informed in evidence that there is no other open space to which the children could have resorted?—I do not think that I had evidence to that effect; I did not intend, in my former evidence, to limit it to the children, but to state that there were other commons where the inhabitants could rove about.

2001. At that meeting were you informed that there were other commons to which the people could go?—Yes.

2002. We have heard in evidence that, although there is a common within a mile, that is a common upon which people are not allowed to go?—There were other commons; I think that Exmoor adjoins it, and I think that there is another common lying to the north.

2003. If it had been made clear to you at the meeting that there were no other commons in the neighbourhood to which the people could resort, should you have proposed to give a larger amount?—I think that I should not have proposed it.

2004. Will you explain the ground upon which you thought that the inhabitants of this village were not entitled to have any recreation ground when they lost the use of the common to which they had resorted, and when they had no other common to which they could resort?—I abstained from setting out a larger quantity because, as far as I could understand, the inhabitants had not resorted to the common for any purpose of amusement. The population is very scanty, and it was considered that if this allotment was set out for the school children it was all that was required, and that if a greater allotment was set out it would not be used.

2005. Supposing that it had been stated to you at the meeting that the people did resort to this common, should you have enlarged the amount of exercise and recreation ground?—I have no doubt that I should.

2006. Do you think that sufficient notice was given of the meeting at Withypool?—I think so; it was the usual notice; several people were there.

2007. Did anybody undertake to represent the claims of the inhabitants, as regarded the want of a recreation ground?—I cannot undertake to say that, without looking at the minutes. I think that Mr. Jekyll, the clergyman, was there; he was there on one occasion, and I am under the impression that he proposed allotments for the labouring poor, but not for exercise and recreation. I do not find on my minutes any such evidence; I remember perfectly well, that after the meeting I walked with several of the parties all over the place where the allotments are set out, and settled the place where they should be set out.

2008. As it appears to many people that one acre is a very insufficient amount of ground for any purposes of recreation, will you explain to the Committee why you limited it to that small area?—Merely because I had reference to its use by the children of the school.

2009. Do you think that one acre is sufficient for a children's playground?—I think so.

2010. But you did not contemplate its being used by any other than the children of the school?—Certainly not; I may also state that there are several allotments which I have set out near villages, which have never been used. I think that there are some letters in evidence from different parties who have given information in that respect. I know of several allotments which have never been used. I saw one in Somersetshire the other day.

2011. Do you mean to say that if you had set out more land in Withypool you believe that it would not have been used?—Yes, I have that firm impression.

2012. Why do you suppose that when the inhabitants went out for a walk in the evening they should not go to the recreation ground; do you suppose that people prefer walking and talking upon a dusty road instead of going to a recreation ground which is very near at hand?—I do not believe that persons are in the habit of confining themselves to small allotments of four or five acres. If the whole common were left open they would go to it, but from my own experience they will not go to allotments of four or five acres. A large portion of that common will still be left open; it will not be cultivated owing to its slope.

2013. Mr. *Knatchbull-Hugessen.*] If you could have left open the whole common, you think that it would have been resorted to?—Yes.

2014. Then your evidence comes to this, that the limited amount which the Commissioners are able to set out for recreation, makes it practically useless to the inhabitants, except for a limited species of recreation?—Just so.

2015. Of this scanty population of Withypool, were there many who claimed as commoners, and who had allotments as commoners?—I have a list of those who attended the meeting.

2016. Were there many of the labouring class who acquired rights as being squatters?—I have no doubt that I can tell you the exact number. There are about 25 persons interested as landowners.

2017. And are there about 39 householders?—I do not know the number of householders, but there are very few cottages, and many of those cottages in Withypool have no rights over the common.

2018. Mr. *Liddell.*] When you were at Withypool, did you receive any evidence as to the character and habits of the population resident in the immediate neighbourhood of that common?—Yes.

2019. What was the nature of the evidence which you received of the habits and character of the population?—I read a note the other day, which stated that they were a predatory class.

2020. Mr. *Fawcett.*] You did not receive that note as evidence when you were at Withypool, but it was written to you lately, was it not?—Certainlly; it was since I was first required to attend this Committee.

2021. Mr. *Liddell.*] Your information, which was derived on the spot, rather tends to confirm the opinion which has been expressed by Mr. Jekyll, as to the character of the population?—Yes.

Mr. *N. Wetherell.*

22 June 1869.

2022. Mr. *Fawcett.*] In reply to a question which I before put to you, you gave as a reason why you did not appropriate more land, that it was because all the other available land was so steep?—The chief reason was that I thought that it was not required.

2023. Did you not, in reply to my question, state that the reason why you did not appropriate more land, was because it was so steep, and because there was no other available land?—I stated that there was no other available land, except the land close down by the river, the river running between the common and the village.

2024. You are probably aware that the parish clerk and the village schoolmaster, have both come here, and have stated most positively that in immediate contiguity to this one acre, there are seven or eight acres of land not more steep and equally available?—I am not aware of that.

2025. Do you think that their local information is not correct?—I do not agree with them, because I am perfectly satisfied that the land is on a slope.

2026. Does the other land slope more than the one acre which you alloted?—I think that it slopes much more than the one acre; I think that the one acre is flat land; that is my impression, according to my recollection.

2027. You have said that all the people told you that this common was not used for purposes of recreation and playing games?—I was told so; it was stated publicly at the meeting, and not contradicted, and to that extent they all agreed upon it.

2028. Will you read the evidence as to that fact?—I am not sure that I have it; I frequently take very little evidence upon these matters in the room, and I am frequently obliged to depend upon my personal inspection; I may have no notes of the evidence.

2029. Will you refer and see whether you have any such notes?—I have no notes upon that point; I have no evidence upon it.

2030. There is no record in your Minutes of Evidence that you put the question to any of the people in the room, asking publicly for information upon the point?—No, I merely put the question contained in the formal application, namely, whether any allotments were proposed for gardens and for recreation.

2031. Can you state from whom you derived the information that the ground was never used for recreation?—It would be from the parties present at the meeting; at the meeting information was required as to the necessity for allotting exercise or recreation ground, and after the meeting I walked all over the land close to the village in order to set out the most desirable places for exercise and recreation.

2032. Then am I to understand you to state that the question was put at the public meeting with regard to the recreation ground?—I am perfectly satisfied of it.

2033. Will you, from your Minutes of Evidence, state what record you have upon that question?—There were questions put without end, and it was impossible for me to take down the answers.

2034. You have no record whatever upon that point?—I have no record whatever, except of the amount which was set out.

2035. Can you, from your recollection, name any one with whom you conversed after the meeting was over, who told you that no more ground was required?—No; three or four persons were present.

2036. Can you recollect who they were?—Mr. Rowcliffe, the solicitor to the lord, I think, was one.

2037. He is not an inhabitant of Withypool?—No.

2038. Did any inhabitant of Withypool accompany you?—I think that there was a gentleman named Jones.

2039. Was he a resident?—I cannot say; he was a farmer, an occupier.

2040. You cannot tell me whether you did or did not apply, or give me the name of any inhabitant of Withypool to whom you applied, as to whether ground would be likely to be required for recreation and games?—I can give you the names of the parties who were present at the meeting. Another assistant commissioner held a meeting two years ago, and he then proposed to set out two acres for exercise and recreation ground, and his report was referred to, and it was thought that one acre would be sufficient, and it was thought that it would, perhaps, be better to add a little more to the gardens. I now remember perfectly well that the question was considered at the meeting, and we went over the land; Mr. Rowcliffe was one of the party, and a farmer, I believe, of the name of Jones was another.

2041. What were the exact means which you took to ascertain whether any games were played on the common, and whether it was likely that the ground would be required for recreation?—I merely asked the general question, what were the requirements for an allotment for exercise and recreation.

2042. You asked that most important question affecting the future interests of this population, and you did not keep any record of the reply to it?—It does not appear that I did. I do not do so with regard to all the inclosures; in the case of many inclosures I get information upon the spot.

2043. But in this case you did not do so?—The question was discussed, and I have only a record of the result, namely, that it was determined to set out one acre. I find that I have a list of all the persons who were present; there were 18 persons present. The gentleman to whom I have referred was not Mr. Jones, but it was one of the Messrs. Moores who was there; I am almost sure that that is so.

2044. Are they inhabitants of the village?—I do not think that they are inhabitants of the village; they are farmers in the parish.

2045. But they are not inhabitants in the village?—I could not undertake to say whether they are or not.

2046. Colonel *Barttelot.*] Are you still of opinion that the ground adjoining this one acre is too steep for recreation, in the ordinary sense of the word?—My impression is so. A part of this land would be occupied by the gardens.

2047. We have two gradients to deal with; one of two feet five inches in a perch, and the other, which is nearer to the recreation ground, is one foot eight inches in a perch; would that be about your idea: namely, one foot in 10 in the least slope, and one foot in five in the greatest slope?—I could not say what it would be.

2048. *Chairman.*] Do you remember the circumstances of the meetings which you held at Swaffham;

Swaffham; we have evidence that certain persons appeared before you on that occasion, and were prevented from advocating the rights of the poor with regard to the situation of the allotment garden, by being told that as they had no legal rights they were not entitled to be heard?—I am perfectly satisfied that that is utterly without foundation. I never refused to hear a man in my lifetime. I have no doubt that there were a great many people at Swaffham who offered to put in their claims for cottages and houses, which were newly built. I am bound by the Act of Parliament. I have no doubt that at the preliminary meeting I may have given my opinion to the gentleman who has been examined here; he may have claimed amongst the parties who were commoners, and I have no doubt that I told him that he had no legal interest as a commoner for the purpose of being reckoned as one of those persons interested in the inclosure.

2049. You neither on that occasion, nor on any other, intended that it should be understood that you declined to hear any one on behalf of the poor, with regard to allotment gardens?—Most certainly not.

2050. It has been stated to us that the allotment gardens are now seven furlongs from the nearest part of the town, and that they might have been within two furlongs but for the opposition which was raised at the meeting on behalf of the lord of the manor; can you recollect the circumstances which prevented you from putting the allotment gardens much nearer to the town than they are?—No; I can give no statement to contradict that without looking at the map. My impression is that there is no land from which allotments could be taken nearer than the heath. All the land lying between the heath and the town is land from which no allotments could be taken; it is half-year land, and land which is not subject to those rights which would entitle the Commissioners to demand allotments for public purposes.

2051. Then your impression is that the ground which you allotted was as near as you could place it, taking public rights and custom into account?—It was not quite so close; there was a little land nearer, but it was poorer, but there is very little difference; I could not have set out land within two furlongs, or anything like it.

2052. Can you explain why the recreation ground is so far from the town?—It is for the same reason; I do not exactly recollect where the exercise ground is set out, but I rather think that it is in very close proximity to the allotment gardens.

2053. It is two miles from the town?—Without having my papers here I cannot explain that; I think that it was set out on the heath, but I am not quite sure of that.

2054. Would your object have been to set it out as near to the town as you could?—Most certainly, but all the intervening land is land from which the Commissioners could not insist upon having allotments set out, it is half-year land, or land of that description; but, in order to clear up any question in that respect, I shall be very happy to look over my notes and to send a statement to the Committee, or to attend here again.

2055. If you will send in a statement of the facts relating to the distance between the town and these allotments it will be satisfactory?—I will do so.

2056. Mr. *Fawcett.*] You have stated that allotments a mile and a-half from the residence of the labourers are of no use to them?—I have.

2057. Knowing that this land which you reserved as allotments was at that distance, did you try to induce the commoners to make an exchange for more convenient land?—I did; and the matter was very much discussed, and I have since received a letter, in which the writer expresses his expectation that Mr. Hamond, who is the largest owner in the parish, will assent; a larger allotment was set out, with the probability that an allotment might be made nearer the town.

2058. Do you think that you would have been performing your duty to the poor, if you had said that you would not recommend an inclosure without that condition?—I considered that I had no such power, and that I should have been exceeding the powers of the Act if I had made any such stipulation.

2059. But it would not have been beyond your province to have stated in your report, that if such an arrangement was not assented to, the labouring poor would suffer?—I think not; but I do not know that it would have been of any use; I should certainly have recommended the inclosure, independently of that circumstance.

2060. But still you might have made such a statement, so that Parliament might have seen the disadvantage to the poor?—It might have had that effect; I was asked that question on my last examination, and I stated, that in certain cases I thought it desirable; and this is exactly one of those cases. Where there is open field-land and waste, and a general right over the whole, I think that the Commissioners ought to have a power to insist upon allotments over the open field-land; they have no such power under the Act at present.

2061. There is nothing to preclude your mentioning the inconvenience of any particular land in your report, is there?—I do not frame the reports which are brought before Parliament.

2962. But the Inclosure Commissioners could have done so?—They might have done so.

2063. That is one of the amendments which you would propose; namely, that in certain cases the desirability of an exchange should be mentioned?—Yes; in certain cases I think that that is very desirable.

2064. What are the commons which are now about to be inclosed, in which it would be advantageous to have the desirability of an exchange stated?—There is a large inclosure at Castor in Northamptonshire; I do not know whether it will go on or not. The Ecclesiastical Commissioners are the lords of the manor, but I have held a meeting in that case.

2065. Is that in either of the two Inclosure Bills which are now before Parliament?—No.

2066. Colonel *Barttelot.*] So far as your memory serves you, you gave the allotments as near as you possibly could to the town of Swaffham?—Certainly; having reference to the character of the land. Of course we are sometimes obliged to set out allotments at a greater distance, on account of the intermediate land being bad, if it does not make a great difference to the poor in going backwards and forwards.

2067. *Chairman.*] Do you remember the circumstances attending the inclosure of Wainfleet, in Lincolnshire, in, I think, 1866; in that case, 100 acres were inclosed, and three acres were allowed as garden ground, and nothing was al-

Mr. N. Wetherell. 22 June 1869.

lotted for exercise and recreation ground?—I do not think that I attended that case.

2068. It is stated by the Commissioners that the reason why no ground was set apart for recreation was, that the occupation of the people was entirely agricultural, and that there was no need of allotment for exercise and recreation; does it appear to you that the fact of the inhabitants being agricultural would apply in all cases as showing that they did not require a place for exercise and recreation?—I never made such a distinction as that. As a rule, I certainly should make no such distinction.

2069. I observe that there are several inclosures where very small proportions have been set out for allotment gardens; I find that at Lackenthorpe there were 596 acres, and that only one acre was set apart for garden ground?—I am sorry that I cannot give you any information upon that case; another assistant commissioner attended it.

2070. Do you remember the circumstances attending the inclosure at Nazing?—Yes; I find that about 240, or 250 acres, were land from which no allotments could be taken. There was Nazing Marsh, a low marsh, and there were some small greens, and the population was very scattered.

2071. Do you remember the circumstances attending the Bowescum Inclosure; 12,000 acres were inclosed, and four acres were set apart for gardens?—I did not attend that meeting.

2072. In the case of North Baddesley there were 738 acres inclosed, and two acres were set apart for allotment ground; was that one of your cases?—There were 653 acres, and the other part was woodland. The population was only 302. Three acres were set out for exercise and recreation, and two acres for the labouring poor. All the cottages had gardens; many of them half-an-acre. Almost all the parish belongs to one proprietor, and he has taken care that all the persons shall have allotment gardens; almost all have half-an-acre.

2073. Mr. *Fawcett.*] You, I suppose, are reading this explanation from your private notes?—Yes.

2074. And not from what was presented to Parliament?—No; but I have no doubt that I reported this to the Commissioners.

2075. But still they did not think it necessary to mention those facts?—All the reports are here.

2076. *Chairman.*] I observe some instances in which only one acre was set apart for recreation ground, as, for example, at Chirbury and at Chillington; do you not think that the circumstances must be very special which justify only a single acre being set apart; the Chirbury inclosure was in 1868, and the Chillington inclosure was in 1866?—I do not remember those cases.

2077. Do you remember the circumstances of the inclosure at Alderholt?—I do; that is in the county of Dorset; 841 acres were inclosed; all the parties in that case had gardens; two acres were set out for the labouring poor and two acres for exercise and recreation; it was a poor miserable tract of land, very sandy.

2078. Do you think that it would be desirable to alter the law, so as to enable an exchange to be made, under different circumstances from the present, where the exchange must be between two pieces of land of exactly the same area; do you think that it would be desirable to alter the discretion which is given by law, so that a larger amount of area might be exchanged for another area?—I think that we have that power now; if land is exchanged on a common, we, of course, take acre for acre; but if private land is exchanged, of course a larger amount must be given if the land is bad land.

2079. With regard to the first case which you have mentioned, namely, that of common land, do you think that an advantage would arise from enlarging the discretion, and not requiring it to be acre for acre?—I think so.

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APPENDIX.

Appendix, No. 1.

PAPER handed in by Mr. *N. Wetherell.*

STATEMENT of Mr. *N. Wetherell*, directed by the Honourable COMMITTEE of the COMMONS INCLOSURE ACT to be made by him in reference to the ALLOTMENT set out in the SWAFFHAM INCLOSURE for the LABOURING POOR.

THE allotment of 50 acres was set out by me for the labouring poor, after an inspection of the land, and after consultation with the numerous parties who attended the preliminary meeting.

The only tracts from which the allotment could be taken under the powers of the Inclosure Act were Swaffham Heath, the Splashes, and Lynn Scoot (shown respectively on the plan herewith sent), for these alone were either waste of a manor, or subject to rights of common, which could be exercised at all times of the year for cattle, levant and couchant, on other land (8th & 9th Vict. cap. 118, sect. 31).

The other tracts comprised in the inclosure, called half-year-lands, were neither waste of a manor, nor subject to rights of common, which could be exercised at all times of the year, and consequently no allotment for the labouring poor could be taken from them.

It will be observed on reference to the map, that the half-year-lands (coloured) and the * inclosed lands (uncoloured) entirely sever the town of Swaffham from the heath, the Splashes, and Lynn Scoot. * Old Inclosures.

The portion of the heath nearest to the town was selected as the site of the allotment for the labouring poor.

The tract called the Splashes lies somewhat nearer than the heath to the town, but the heath was considered to be the most advantageous situation for the allotment.

Complaints were made to me at a subsequent meeting, that the allotment was too far from the town, and I was requested to set it out on the half-year-land; but this, as shown above, could not be carried out, except with the consent of the owner of such half-year-land. I do not remember any request whatever being made to me to change the site of the allotment to any other part of the heath, or to the Splashes or Lynn Scoot.

It has, I believe, been represented to the Committee by one of the witnesses, that the allotment might have been set out within two furlongs of the town; the witness probably referred to a site on the half-year-land, but it has already been shown that no portion of that land could have been taken for the purpose.

If the witness referred to the Splashes as being within two furlongs of the town, an admeasurement of the distance on the map will show that he is in error.

I beg to state further, that in my former evidence I have suggested that in some cases a power of compulsory exchange of the public allotments might be advantageously vested in the Inclosure Commissioners. The cases to which I refer are those which are similar in their circumstances to the Swaffham Inclosure, viz., cases in which open field land and waste land are mixed up in one inclosure. In these cases I think it desirable that the Inclosure Commissioners should have a power, by exchange, or otherwise, to appropriate any portion of the land for exercise and recreation, and for the labouring poor.

23 June 1869. *N. Wetherell.*

Appendix, No. 2.

PAPERS handed in by Mr. *Walsh* (*Vide* Question 1014.)

Sir, Office of Woods, &c., S.W., 17 December 1864.

I HAVE to acknowledge the receipt of your letter of the 12th instant, inquiring upon what terms the Crown will give its assent to the inclosure of the waste lands in the township of Llanbadarnfynydd, in the lordship or manor of South Ugre, county Radnor.

In reply, I have to inform you that I have recently had under consideration the conditions upon which the Crown's assent has heretofore been signified to the inclosure of its waste

Appendix, No. 2.

land, and I have come to the conclusion that those conditions are arbitrary and founded rather upon precedent than upon the merits of the case. After giving my best attention to the subject, therefore, I have arrived at the opinion that, in future inclosures of Crown wastes, the respective interests of the Crown and the commoners in and to the lands should be ascertained in some more satisfactory and definite manner, and that those interests should be compensated accordingly.

With this view, the terms upon which I shall be willing to assent, on behalf of Her Majesty, to the inclosure of the Crown wastes in the township of Llanbadarnfynydd, are as follows, being similar to those which I have recently proposed in three other cases:

1st. That the land to be inclosed be taken to be that shown on the Crown plans.

2nd. That it be referred to either of the under-mentioned surveyors and valuers to ascertain the annual and fee simple value of the land in its present condition, if held in severalty, and the present annual and fee simple values of the rights of the Crown (in and to the soil and over the suface) on the one hand, and of the commoners (over the surface) on the other hand.

3rd. That the referee set out allotments to the Crown and the commoners in accordance with his valuation in satisfaction of their respective rights.

4th. That in the event of the land not being of sufficient value to satisfy the rights of the Crown and the commoners, as valued, the referee to apportion the land between the Crown and the commoners in proportion to the values of their respective rights. On the other hand, if the land is more than sufficient to satisfy those rights, as valued by the referee, the residue to be divided equally between the Crown on the one hand, and the ommoners on the other.

5th. That all mines, minerals, stone, and substrata, be reserved to Her Majesty with full power to enter and work them; and compensation for surface damage done in working them to be provided for by a rate upon all the allotments (including the Crown's), in accordance with the provisions of the Act 22 & 23 Vict. c. 43.

6th. That an office copy of the award and plan annexed be supplied to this Department at the expense of the inclosure.

7th. That the expenses of the inclosure, including the charges and expenses of the referee, be provided for by a rate in accordance with the provisions of the General Inclosure Acts.

I am, &c.

Richard Banks, Esq. (signed) *James K. Howard.*

Names of Surveyors and Valuers above referred to.

Daniel Norton of Broad-street, London.
John Oakley of Waterloo-place, London.
Edmund James Smith of Whitehall-place, London.
Jeremiah Matthews of Birmingham.

Gentlemen, Office of Woods, &c., S.W., 22 December 1864.

I HAVE to acknowledge the receipt of your letter of the 19th instant, relative to the contemplated inclosure of the Crown wastes in the township or Llanbadarnvynydd, in the lordship or manor of South Ugre, county Radnor, and to inform you, with reference to the concluding paragraph, that, under the arrangement proposed by me, a valuer would be appointed in accordance with the provisions of the General Inclosure Acts, but he would be relieved from the task of setting out the allotment to the Crown. He would, however, still have to apportion the commoners' allotment among the various claimants.

I am, &c.

Messrs. Banks. (signed) *James K. Howard.*

REPORT

FROM THE

SELECT COMMITTEE

ON

INCLOSURE ACT;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
7 *July* 1869.

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TO

REPORT

FROM THE

SELECT COMMITTEE

ON

INCLOSURE ACT.

Ordered, by The House of Commons, *to be Printed,*
7 *July* 1869.

I N D E X.

[*N.B.*—In this Index the *Figures* following the Names of the Witnesses refer to the Questions in the Evidence; those following *App.* to the Pages in the Appendix; and the *Numerals* following *Rep.* to the pages in the Report.]

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Large portion of the agricultural labouring class unprovided with garden ground, *Tremenheere* 1227–1229——Examination to the effect that agricultural labourers and artizans who have been residing in the neighbourhood of a common about to be inclosed, should be provided with allotments irrespectively of their employment on the inclosed land, *ib.* 1232–1245. 1348——Importance of further improvements in agriculture as tending to prevent decrease of the agricultural population, *ib.* 1326–1339.

See also *Allotments.* *Education.*

Alderholt Inclosure (*Dorset*). Circumstances under which only two acres were set out for the labouring poor, and two acres for recreation in carrying out the inclosure at Alderholt, *Wetherell* 2077.

Allotment Wardens. Serious defect in the Act in there being no effective check as to the appointment and action of allotment wardens, *Darby* 237. 426. 438–448——Failure of the Act as regards the appointment and action of wardens, *Denton* 486–489——Frequent instances of neglect on the part of allotment wardens, the land set out for the labouring poor being often improperly used or not used at all, *Wetherell* 756–759.

Objection to the overseers and churchwardens acting as allotment wardens, *Tremenheere* 1185——Necessity of an amended constitution of the board of allotment wardens, *ib.*—Suggestion that the board of wardens should consist of the clergyman of the parish, of two members nominated by him, and of an elected member, *ib.* 1185–1188——Twofold object to be gained by bringing the allotment wardens into more direct communication with the Inclosure Commissioners, *ib.* 1189.

Statement in further support of an amended constitution of the board of allotment wardens, increased power being given at the same time to the board, *Tremenheere* 1200–1215——Unwillingness evinced by the churchwardens and overseers to act, *ib.* 1203, 1204. 1209——Increased weight likely to be attached by the allotment wardens to the suggestions of the Commissioners, if the former body were in more direct communication with the latter; doubt as to the expediency of a general coercive power in the Commissioners, *ib.* 1250–1256——Improbability of much objection being made to the clergyman nominating two members of the board of wardens, *ib.* 1277, 1278.

Decided objection to the alteration suggested by Mr. Tremenheere in the constitution of the board of allotment wardens, *Tufnell* 1970, 1971.

See also *Maintenance and Letting of Inclosures.*

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ALLOTMENTS (LABOURING POOR):

1. *Extent and Class of Land subject to Allotments; Power of the Commissioners in the Matter.*
2. *Evidence in Defence of the Practice of the Commissioners as to the Amount of the Allotments.*
3. *Exceptions taken to the Action of the Commissioners.*
4. *Considerations as to the Actual Quantity of Allotment desirable for each Labourer.*
5. *Question of Proximity to the Labourers' Cottages.*
6. *Important Benefits of the Allotment System.*
7. *Circumstance of Allotments not being promoted by the Applicants for Inclosure.*
8. *Question of setting out a certain Proportion of Allotment Land in the case of each Inclosure.*
9. *Conclusions of the Committee.*

1. *Extent and Class of Land subject to Allotments; Power of the Commissioners in the Matter:*

Definition in clauses 30 and 31 of the Inclosure Act of the class of land in respect of which allotments may be set out for the labouring poor, *Darby* 2——Absence of limit as to the amount to be set out for the labouring poor; that is, in respect of that class of land subject to allotments for the purpose, *ib.*——Several instances of inclosure adduced as showing the very small proportion of waste land subject to public allotment, compared with the total quantity of land dealt with, *Denton* 478——Ample powers under the Act as to the amount to be set out for garden allotments, out of the land available for the purpose, *Wetherell* 1039–1041——Advantage if the Commissioners were vested with greater discretion and latitude in setting out allotments, *Bonham-Carter* 1920–1924. 1963.

2. *Evidence in Defence of the Practice of the Commissioners as to the Amount of the Allotments:*

Inquiry made in certain cases in which the allotments were said to be insufficient, the result showing that 1,356 quarters of acres were set out, instead of only 144 quarters, the amount required according to the Act of Parliament, *Darby* 23–28——Explanation that a second allotment is not given in cases where tenements already have allotments in respect of rights of common, *ib.* 86–88——Instances of the allotments set out having been found more than sufficient, *ib.* 92.

Further statement as to the total allotments having been at a much larger rate than a quarter of an acre to each man for 100 acres, *Darby* 203, 204——Inaccurate conclusions likely to be formed as to the amount of allotment ground, unless it be considered that a large portion of the inclosed land is not fit for allotment, *ib.* 238, 239——Further evidence explanatory of the total allotment acreage set apart as compared with a certain calculation of Mr. Tremenheere on the subject, *ib.* 262. 419——Witness repeats that each case must be judged according to its particular circumstances, in order to arrive at a proper understanding relative to the total allotments, *ib.* 337. 417, 418——Total of thirteen acres proposed to be allotted by the present Bill, *ib.* 337.

Statement of the number of cases in which the allotments have been sufficient, the number of cases in which insufficient, and the number in which they have not been used at all, *Wetherell* 901, 902——Discretion exercised by witness upon the question of allotments, irrespectively of the feeling in the neighbourhood, *ib.* 912, 913——Examination to the effect that though the labouring poor are not dealt with as having a vested right in the land, every consideration is given to their general claim to allotments, *ib.* 1055–1064. 1072.

Belief that every care is taken in each case of inclosure, and that sufficient land is set apart; several instances to this effect in witness's neighbourhood, *Bonham-Carter* 1912–1914. 1934–1941——Instances of the garden allotments set apart by the Commissioners not being taken up, *ib.* 1918, 1919.

3. *Exceptions taken to the Action of the Commissioners:*

Examination to the effect that a larger quantity of allotment ground for the labouring poor might with advantage have been set out by the Inclosure Commissioners in certain cases, *Denton* 504. 521–529——Statement that allotments should not be withheld merely because cottagers already have gardens, it being essential to consider the size of the gardens, *ib.* 504, 505. 523–526.

Substantial accuracy of a Table prepared by witness, showing that out of 320,000 acres inclosed since 1845, only 2,119 acres have been assigned as allotments for the labouring poor, *Tremenheere* 1173–1175——Statement in detail to the effect that the total amount assigned by the Inclosure Commissioners in garden allotments, though comparatively very small, is such as amply to satisfy the proportions indicated by the Act of 1845, *ib.* 1176–1180.

Several

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3. *Exceptions taken to the Action of the Commissioners*—continued.

Several questions proposed by witness for consideration in connection with the limited reservation of garden allotments, *Tremenheere* 1179——Calculated employment of three men per 100 acres, rather than of two men per 100 acres, in order to arrive at the total quantity of allotment land to be reserved, *ib.* 1180—— Arguments opposed to the course pursued by the Commissioners in not setting out allotments where the labouring poor have gardens already, *ib.* 1185——Absence of any definite rule as to the proportion set aside for the labouring poor out of the land inclosed; several instances cited on this point, *ib.* 1185. 1302, 1303 ——Twofold objection to the course pursued in not providing allotment land for cottagers who have gardens already, *ib.* 1248, 1249.

Explanation that witness does not blame the Commissioners for their action in the reservation of allotment land, though he condemns as delusive the system of averages upon which the quantity of allotment is based, *Tremenheere* 1268–1271——Great variation in the practice of the Commissioners as to the proportion of land reserved, *ib.* 1303. 1314–1316——Approval of the working of the Act, save that a larger amount of allotment land should be reserved, *ib.* 1440–1444——Very small deduction from the proportion of land allotted to the lords and commoners by a moderate increase in the reservation of allotments for the labouring poor, *ib.* 1457.

4. *Considerations as to the Actual Quantity of Allotment desirable for each Labourer:*

Conclusion as to an allotment of a quarter of an acre being too much for a labouring man unless he has facilities for obtaining manure; difficulty also as to labour, even though there may be some boys in the family, *Darby* 59–63——Further expression of the opinion that an allotment of a quarter of an acre is as much as, or more than a labouring man can properly cultivate, *ib.* 245. 424, 425—— Conclusion that the size of allotments for the labouring poor should, as a rule, be twenty poles, though under certain circumstances a larger quantity would be desirable, *Denton* 497–500. 504–509. 526–529.

Ample opportunities of witness for ascertaining the requirements of the labouring poor in regard to allotments, *Wetherell* 566, 567——Grounds for concluding that an allotment of one-eighth of an acre is on an average as much as a labouring man can properly cultivate, *ib.* 639–643. 718. 761–764. 835, 836——Maximum of a quarter of an acre allowed for each allotment by the allotment wardens, *ib.* 725. 743——Opinion that a quarter of an acre is almost invariably more than a cottager can use with advantage; data for the conclusion rather that an eighth of an acre is ample, *ib.* 760–767. 835–838.

Evidence in support of the conclusion that the limitation by Act of each garden allotment to a quarter of an acre is inexpedient, and that from one-third to half-an-acre may be given in numerous instances with great advantage, *Tremenheere* 1180–1185—— Several ways in which a garden allotment of half-an-acre might be beneficially used by a labourer, *ib.* 1260–1267.

Opinion that an allotment of from twenty to twenty-five rods is as much as a labouring man can manage, *Bonham-Carter* 1919——Conclusion that as a rule no allotment should exceed a quarter of an acre, whilst an eighth of an acre would generally be sufficient; large mass of evidence in support of this view, *Tufnell* 1966–1969. 1972–1990.

5. *Question of Proximity to the Labourers' Cottages:*

Uselessness of allotments when at a distance of two miles from the labourers' cottages, *Darby* 31, 32——Very little use of an allotment if more than a mile from the labourer's cottage; belief that they are all within half a mile, *ib.* 198, 199——Conclusion as to allotments for the labouring poor being of little value to them if more than half a mile from their cottages, *Denton* 480. 530——Desire of the labouring classes for allotments if they are sufficiently near, and if the ground is suitable, *Wetherell* 777. 779. 783—— Comparative uselessness of an allotment if more than a mile from the labourer's home, *Wetherell* 779. 783; *Tufnell* 4978.

6. *Important Benefits of the Allotment System:*

Calculation that an allotment garden of twenty poles should pay a cottager's rent, *Denton* 506–508——Increased benefit of allotments for the labouring poor as compared with the demand for them thirty years ago, *ib.* 514, 515——Equal benefit of allotments for the labouring poor at the present time as compared with twenty-five years ago, *Wetherell* 889.

Statement in support of the conlcusion that the question of allotments bears very directly upon the condition and education of the labouring classes, *Tremenheere* 1189 ——Moral and social benefit by the labouring classes having as large allotments as they can conveniently cultivate, *ib.* 1217–1220——Increase of produce by an increase of allotments, *ib.* 1221, 1222——Belief as to the system of garden allotments being very advantageous to labourers, *Tufnell* 1966.

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ALLOTMENTS (*LABOURING POOR*)—continued.

7. *Circumstance of Allotments not being promoted by the Applicants for Inclosure:*

Statement that in no instance, out of the several applications for inclosure in the present Report of the Commissioners, has there been any proposal for setting out allotments for the labouring poor, *Wetherell* 770, 771. 913. 1097–1104.

8. *Question of setting out a certain Proportion of Allotment Land in the case of each Inclosure:*

Inexpediency of the Commissioners being required by Act to set out in all cases a certain quantity of land in proportion to the size of the inclosure, *Wetherell* 798–803.

Opinion in favour of a definite rule as to the proportion of land to be reserved, whilst it should be in the discretion of the Commissioners to provide allotment gardens of more than a quarter of an acre, *Tremenheere* 1185. 1302, 1303. 1307, 1308. 1314–1320. 1357.

9. *Conclusions of the Committee:*

Total of 2,223 acres appropriated as allotments for the labouring poor under the Act of 1845, *Rep.* iii——Inability of the Committee to pronounce any general opinion as to the sufficiency or insufficiency of the public allotments made by the Commissioners, *ib.*——Concurrence of the Committee in the view that in many cases an allotment of half an acre would not be beneficial to the labourer, *ib.*——Recommendation, however, that the maximum quantity which may be allotted by the allotment wardens be extended to half an acre in cases in which the quarter acre allotments are not all appropriated in separate tenancies for the labouring poor, *ib.*

See also *Agricultural Labourers. Allotment Wardens. Approaches to Allotments. Artisans. Clearance of Allotment Ground. Cottage Accommodation. Cultivation of Allotments. Deferred Allotments. Education. Exchanges. Farmers. Kirton Marsh. Landlords. Local Inquiry. Lord of the Manor. Maintenance and Letting of Allotments. Population. Rent Charge. Reports of Commissioners. Rogate Inclosure. Sale of Allotments. Saxlingham Inclosure. Skyborrah Hill Inclosure. Statistics of Allotments. Surplus Rents. Swaffham Inclosure. Towns. Valuers. Wisley Common. Withypool Inclosure.*

Allotments (*Recreation and Exercise*). See *Recreation Ground.*

Applications for Inclosure. Necessity of one-third in value of the persons interested joining in the application for inclosure before the Commissioners can proceed, *Darby* 71, 72. 76——Stop put to the proceedings unless it can be clearly proved that one-third in value of the persons interested have assented to the application, *Wetherell* 564——Application for inclosure in several instances in order to prevent the use of the land by tramps, *ib.* 625.

Statement as to no allotments having been proposed by the applicants in the several cases in the present Report which were investigated by witness, *Wetherell* 770, 771. 913. 1097–1104——Way in which witness is satisfied at the meeting that one-third of those interested assent to the application for inclosure, *ib.* 905–908.

Approaches to Allotments. Practice in regard to approaches to allotments, the cost being thrown upon the inclosure generally, *Wetherell* 881–884——Further explanation on the subject of the cost of approaches and the source whence the expenditure is defrayed, *ib.* 951.

Artisans. Opinion as to the unfairness of taking land from the lord and commoners, and allotting it among the manufacturing population, *Darby* 29. 33–42——Examination upon the question whether the term "labouring poor" should not be so interpreted as to comprise artisans and working men generally, as well as agricultural labourers, *ib.* 33–48. 197. 376, 377——Statement that in the great majority of cases the inclosures take place in agricultural districts, but that if there were miners or artisans sufficiently near, their claims would doubtless be taken into consideration, *ib.* 37–48.

Equal recognition of the claim of a shoemaker as of an agricultural labourer as regards the setting out of garden allotments, *Wetherell* 574. 874–876——Great value of allotments for artisans engaged in sedentary occupations, *Tremenheere* 1223–1226. 1342——Conclusion that artisans and others residing near commons should be provided with allotments irrespectively of their employment on the land, *ib.* 1232–1245. 1348——Special importance of allotments for artisans on the score of health, *ib.* 1394, 1395——

Assistant Commissioners. Commencement of the action of the Assistant Inclosure Commissioners on receiving from the Commissioners the form of local application for inclosure, *Wetherell* 556. 557——Completion of the work of the Assistant Commissioner when the inclosure is completed, *ib.* 810.

See also *Commissioners* (*Local Inquiry*).

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B.

Bonham-Carter, John (Member of the House). (Analysis of his Evidence.)—Resides at Petersfield; is conversant with the circumstances of numerous inclosures which have taken place on the borders of Hampshire and Sussex from time to time, 1910, 1911——Erroneous conclusions which may be drawn from the Inclosure Commissioners' report as to the course pursued in setting out recreation ground and allotments, a personal examination being essential in each case before judging whether the land set apart has been sufficient, 1912. 1934——Belief that every care is taken in each case of inclosure, and that sufficient land is set apart; several instances to this effect in witness's neighbourhood, 1912–1914. 1934–1941.

Confidence placed in the Inclosure Commissioners and in the Assistant Commissioners, so far as witness's experience extends, 1912. 1935–1941——Particulars relative to an inclosure near Petersfield, in which, out of about 200 acres, forty-six acres were reserved for recreation ground; private arrangement with the owners under which this was effected, 1914–1917. 1959–1963——Instances of the garden allotments set apart by the Commissioners not being taken up, 1918, 1919——Reservation of allotment ground in the case of Rogate inclosure, in consequence of Mr. Wetherell's anxiety on the subject, whereas the ground has not been taken or broken up; belief that this is not owing to any excess in the rent demanded, 1918. 1930–1933. 1949–1955.

Opinion that an allotment of from twenty to twenty-five rods is as much as a labouring man can properly utilise, 1919——Advantage if the Commissioners were vested with greater discretion and latitude in setting out allotments, 1920–1924. 1963——Desire always evinced by Mr. Wetherell to consider the local claims to garden allotments, whilst every facility is given to representations on behalf of the poor, 1920, 1921——Increased facilities suggested on the subject of exchanges of allotments, 1922, 1923.

Responsibility respectively of the assistant Commissioner and of the Commissioners; adoption generally of the views of the former, 1923. 1956–1958——Improved regulations required in cases where the allotments or recreation grounds are not used, 1924——Want of increased control in the Commissioners over the valuer, 1925, 1926——Expediency of every practicable means being taken to disseminate notice of each intended inclosure, 1927–1929——Doubt as to any blame attaching to Mr. Wetherell in connection with Withypool inclosure, and the reservation of only one acre for recreation, 1944–1948.

Browne, Hugh. (Analysis of his Evidence.)—Statement relative to a large inclosure near Nottingham about twenty-five years ago, when some 125 acres were set apart for recreation purposes; approval of the operation of the Act under which this enclosure was effected, 1142–1150——Comment upon an inclosure of some land between Hill Top and Eastwood, upon an order of the Inclosure Commissioners, such land having been previously used for purposes of recreation, 1151——Suggestion, that before inclosures are effected, there should be a clear recognition of the public right to go over common or open land, 1152–1154——Suggestion that each inclosure should be submitted to a local body, such as the quarter sessions, 1154, 1155.

Numerous inclosures around Nottingham in former years, without the reservation of any land for recreation, 1156–1159——Very inadequate space reserved for recreation upon the inclosure by the Commissioners of Selston Common in Nottinghamshire; large population adjacent, 1160–1166——Very inadequate representation of the claims of the public in regard to recreation ground, 1165, 1166——Fuller notice suggested when inclosures are contemplated, 1167, 1168.

Bushen, William. (Analysis of his Evidence.)—Is Schoolmaster at Withypool, 1576, 1577——Complains of the reservation of only one acre for recreation purposes upon the inclosure of Withypool Common, and supplies sundry details in support of the conclusion that a much larger recreation allotment should have been set out, 1578 *et seq.*——Considers that the reservation of only five acres of allotment land for the labouring poor is also inadequate, 1648–1651. 1655–1660. 1719–1722.

C.

Chigwell Inclosure. Special circumstances under which the largest possible quantity of recreation ground was set out in the case of Chigwell Inclosure, *Wetherell* 596.

Claims (*Commoners.*) Facilities given to persons to put in claims at a late period of the proceedings necessary before the inclosure of any common, *Darby* 90, 91——Very full facilities given to poor people to appear before the Assistant Commissioner, and to put in their claims, *ib.* 254. 257, 258. 387——Every facility is given by witness to persons to make claims, *Wetherell* 561–567.

Clearance of Allotment Ground. Advantage if there were a power of clearing the ground set out for garden allotments, out of the general expenses of the inclosures, *Wetherell* 804, 805.

Recommendation that the Commissioners should have power to order that the expenses of clearing the allotments for the labouring poor should be included in the expenses of the Act, *Rep.* v.

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Commissioners. Responsibility of the Commissioners for the decision adopted in each case in respect of allotments, *Darby* 11. 13. 187——Reliance necessarily placed by the Commissioners upon the inquiries and reports of the Assistant Commissioner, it being impossible for the former to make local investigation of each intended inclosure, *ib.* 121–127——Explanation that the Commissioners though placing every reliance on the reports of the Assistant Commissioners, by no means adopt their views invariably, or implicitly, *ib.* 218–222——Supervision exercised by the Commissioners over the proceedings and reports of the Assistant Commissioners, though the former may but rarely object to the recommendations of the latter as to the allotments to be set out, *ib.* 360–369.

Great care always taken by the Inclosure Commissioners to arrive at facts before making allotments, *Denton* 524——Detailed report made by witness to the Commissioners, the latter sometimes overruling the recommendations arrived at, *Wetherell* 575–577——Instances of the Commissioners having varied the recommendations of witness, though, as a rule, they adopt them, *ib.* 1073–1075——Responsibility respectively of the Assistant Commissioner and of the Commissioners; adoption generally, of the views of the former, *Bonham-Carter* 1923. 1956–1958.

See also *Allotments.* *Inclosures.* *Local Inquiry.* *Recreation.* *Reports of Commissioners.*

Commoners. Circumstance of the objections to allotments or recreation grounds proceeding more from the commoners than from the lords, *Darby* 142——Effect of inclosure in largely enhancing the value of the commoners' interest, *Wetherell* 794. 828——Belief as to the commoners and the public being adequately protected under the present system of dealing with inclosures, *ib.* 806–808——Due consideration given to the right of taking clay or gravel, and to rights of common generally, in the setting out of commoners' allotments, *ib.* 854–860——*See* also *Claims.* *Local Inquiry.* *Notice of Inclosure.*

Competition for Allotments. Conclusion that any competition for garden allotments should be limited to the labouring poor, *Tremenheere* 1352–1356.

Co-operative System. Statement as to it never having been intended by the Act that allotments should be worked in partnership, *Darby* 236——Doubt as to the practicability of a system of co-operative farming of allotment ground, *Tremenheere* 1396–1401.

Cottage Accommodation. Statement as regards insufficiency of cottage accommodation in any place, that the appropriation of allotments would not ensure the building of such cottages as are desirable, *Darby* 128–130——Question considered as to the fairness of providing allotments in cases where cottages have been run up speculatively without gardens with a view to obtaining allotments, *ib.* 412–415. 431–434.

Conclusion as to its being very mischievous to set out allotments prospectively, with a view to a supply of garden ground for any cottages erected in future by the landowners, *Wetherell* 732–743. 842–845——Exceptions to the rule of landlords in providing cottages where additional labour is required in cultivation *ib.* 977–981. 1051–1054——Considerable improvement in the provision of cottage accommodation throughout the country, *ib.* 1025–1027.

Cricket. Large quantity of recreation ground necessary for the game of cricket, *Denton* 510–513.

Crown Wastes. Communications from Mr. Howard in December 1864 explanatory of the modified terms to be required in future on the part of Her Majesty on the inclosure of Crown wastes, *App.* 127, 128.

Conclusion of the Committee that the condition upon which the assent of the Crown has been given in the case of Llanbadarnfynydd is contrary to the intention and spirit of the 23rd and 33rd sections of the General Inclosure Act, *Rep.* vi.

Cultivation of Allotments. Use of the inclosed land as pasture or arable, accordingly as it is best adapted for either, *Darby* 230, 231—— Disapproval of the cultivation of fruit trees on garden allotments, *Tufnell* 1990.

D.

Dale Inclosure. Hardship in connection with the Dale Inclosure, as many poor persons will no longer be allowed to cut underwood for fences, &c., *Godley* 1746–1749. 1778–1780.

Darby, George. (Analysis of his Evidence.)—Has been Inclosure Commissioner since 1845; 1—Reference to clauses 30 and 31 of the Inclosure Act as specifying the land out of which allotments may be set apart for exercise and recreation, or for the labouring poor, 2—Restriction upon the Commissioners under the 30th clause, as to the quantity to be set out for exercise and recreation, the amount being limited according to the population, *ib.*——Absence of limit as to the amount to be set out for the labouring poor; that is in respect of that class of land subject to allotments for the purpose, *ib.*—— Several modes of disposal of the money or rent charge derived from the allotments set out for the labouring poor, 3—Considerable difficulty in cases where the rent-charge has to be divided among the allottees, *ib.*——Occasional complaints made that the valuers employed by

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by the Commissioners place too high a rent-charge upon the land, 4——Responsibility of the churchwardens and overseers, or allotment wardens, for the payment of the rent-charge, 5-7——Limited jurisdiction of the Commissioners as to the letting of the allotments or the use made of them, 7-9.

Duty of the Assistant Commissioners to make local inquiry, and to take into consideration the circumstances of each particular case before reporting to the Commissioners and recommending the quantity of land to be set out, 10–12. 183-187——Responsibility of the Commissioners for the decision adopted in each case, 11. 13. 187——Reference had to the existing population near the land, but not to the prospective population, in deciding upon the amount of allotment to be set out, 14. 31, 32——Statement showing that in a considerable number of the largest inclosures, there has been no increase in the population, as between 1851 and 1861; 14-22. 96, 97. 131.

Inquiry made in cetrain cases in which the allotments were said to be insufficient, the result showing that 1,356 quarters of acres were set out instead of only 144 quarters, the amount required according to the Act of Parliament, 23-28——Admission as to there being no requirement in the Act that allotments can only be set out for those employed upon the land, 27-30——Opinion as to the unfairness of taking land from the lord and commoners, and allotting it among the manufacturing population, 29. 35-42——Uselessness of allotments when at a distance of two miles from the labourers' cottages, 31, 32.

Examination upon the question whether the term "labouring poor" should not be so interpreted as to comprise artisans and working men generally, as well as agricultural labourers, 33–48——Statement that in the great majority of cases the inclosures take place in agricultural districts, but that if there were miners or artisans sufficiently near their claims would doubtless be taken into consideration, 37–48.

Reference had to the amount and proximity of the population in setting out recreation ground, 49——Maximum of ten acres of recreation ground in any case, 49, 50——Practice as to the allotment of the herbage, and as to the levelling and fencing of the ground set apart for recreation, 52-54.

Particulars set forth in the provisional order made by the Commissioners for each inclosure; necessity of the document being signed by two thirds of the parties interested, 55. 72——Veto of the lord of the manor on the provisional order, so that without his assent there is an end of the proceedings, 55-58. 67——Action of the Home Office adverted to as being merely ministerial, it resting with Parliament to sanction or reject the provisions, 57, 58. 65–67.

Conclusion as to an allotment of a quarter of an acre being too much for a labouring man unless he has facilities for obtaining manure; difficulty also as to labour even though there may be some boys in the family, 59–63——Inquiry made by the Assistant Commissioners as to the size of the gardens attached to cottages before making recommendation relative to the allotments to be set out, 63, 64——Irregular and costly character of many of the inclosures effected previously to the Act of 1845; 68–70.

Necessity of one third in value of the persons interested joining in the application for inclosure before the Commissioners can proceed, 71, 72. 76——Practice as to the appointment of a valuer, after the proceedings have been sanctioned by Parliament, and as to the investigation of claims and objections, 72——Very satisfactory working of the Act as regards the protection by the Commissioners of the interest of the lords and of the commoners, 77-80——Clauses 30 and 31 of the Act further adverted to as intended to secure certain public advantages in return for the facilities given by the Act to those having defined rights, 81-85.

Explanation that a second allotment is not given in cases where tenements already have allotments in respect of rights of common, 86–88——Due care taken to give full notice to all persons interested, 89–91. 216, 217——Facilities given to persons to put in claims at a late period of the proceedings, 90, 91——Instances of the allotments set out having been found more than sufficient, 92——Very full allotment in the case of Grunty Fen Inclosure, though it was complained of as insufficient, 93, 94——Difficulty if the Commissioners were to consider in each case the wants of the prospective population, 95-97.

Inability of witness to supply offhand a detailed explanation of the Withypool Inclosure, in which out of 1,904 acres only one acre was allotted for recreation; allotment in this case of five acres for the labouring poor, 98-106——Limitation of recreation allotments to the wants of those living in the "neighbourhood"; definition of this term, 107–109——Explanation of the practice of the Commissioners in regard to exchanges; limited jurisdiction in this respect, 110–112.

Discretion exercised by the Commissioners in not providing recreation allotments in certain cases where the population is engaged in agricultural or open air employment, and is not within a certain distance, 113–120——Reliance necessarily placed by the Commissioners upon the inquiries and reports of the Assistant Commissioners, it being impos-

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Reference had by witness to the population, not only in the parish, but in the neighbourhood, before recommending how much ground shall be set out for recreation, and for the labouring poor, *Wetherell* 568, 569——Limited extent to which consideration is given by witness to the probable use of recreation ground by persons coming a distance by road or railway, *ib.* 570-573. 591-596——Statement that in setting out allotments no reference is had to the question of increase of population, *ib.* 630. 844, 845——The land reserved for recreation is limited according to the population, *ib.* 710——Evil in the allotment of large pieces of ground for future generations, there being no provision for utilising the ground in the meantime, *ib.* 743. 757. 780. 835-845——Belief that the Act never contemplated any prospective allotments, *ib.* 931.

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Further evidence in favour of increasing the amount reserved for allotment, with direct reference to the increased population likely to be employed per 100 acres inclosed, *Tremenheere* 1230-1245——Conclusion as to the insufficiency of the aggregate allotment ground set apart by the Commissioners; that is having reference both to the existing and the prospective population, *ib.* 1245-1247. 1373-1389——Further conclusion as to the expediency of making allowance for the prospective population to be employed in the cultivation of the inclosed land; dissent from the views of Mr. Darby on this point, *ib.* 1280-1308. 1314-1321. 1369-1372——Opinion as to the Act having contemplated provision for a future population, *ib.* 1289. 1305, 1306.

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Private Allotments. Instances of abuse of the system of allotment gardens set out by private owners, *Denton* 501-503. 518-520.

Promotion of Inclosures. The Commissioners do not promote inclosures, and only act when put in motion by local persons, *Darby* 76.

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Argument that although the lord and commoners have entire legal rights in respect of every common inclosed, there is also an equitable right in those living in the neighbourhood which should in equity be considered in the setting out of land for allotments, *Tremenheere* 1279-1288. 1343-1346. 1390, 1391. 1425-1438. 1459-1479——Effect of inclosure in preventing any further use of commons by the public at large, *Wetherell* 1078-1081——Suggestion that before inclosures are effected, there should be a clear recognition of the public right to go over common or open land, *Browne* 1152-1155.

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Reed, James. (Analysis of his Evidence.)—Is parish clerk of Withypool, and supplies sundry particulars in reference to the inclosure of Withypool Common, the adjacent population, and the use formerly made of the common for exercise and recreation, 1485 *et seq.*——Submits that the reservation of only one acre for recreation purposes is altogether inadequate, and that there are several acres of suitable ground close to the village which might have been reserved, 1487 *et seq.*

Rent-

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Recommendation that the Commissioners be authorised to require the trustees of the recreation ground and the allotment wardens to furnish every three or five years reports of the state of the land, and the rents paid by the tenants under the management, *Rep.* v, vi.——Recommendation that further powers be vested in the churchwardens and overseers, and in the allotment wardens in reference to the rents paid, and the appropriation of the residue, *ib.*

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Reports of Commissioners. Examination relative to the information contained in a certain table or "statement of the proceedings which have taken place since the inclosures have been sanctioned;" facility of supplying further details in connection with each inclosure, *Darby* 143–156——Explanations as regards a table of "applications for inclosures not yet sanctioned," *ib.* 157–160——Reference to a certain table showing the cases in which there has been no allotment for recreation or for the labouring poor, and as containing information relative to the abandonment of applications, *ib.* 161–171.

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Non-objection to more explicit information in the Bills before Parliament, *Wetherell* 1007–1010——Paper submitted in illustration of the mode in which the results of the operation of the Inclosure Act might be shown from year to year in the Commissioners' Reports; sundry explanations and suggestions hereon, *Tremenheere* 1185——Further statement as to the want of an improved form for the annual reports, *ib.* 1421–1424——Erroneous conclusions which may be drawn from the Inclosure Commissioners' Report as to the course pursued in setting out recreation ground and allotments, a personal examination being essential in each case before judging whether the land set apart has been sufficient, *Bonham-Carter* 1912. 1934.

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Rights of Way, &c. Continued existence of a public right of way, irrespectively of inclosure, *Darby* 252, 253. 470——Recognition not only of rights of way but of the right of holding fairs and markets, whilst there is no recognition, in the way of compensation, of any right of riding or walking on the common, *Wetherell* 815–821. 830, 831. 925, 926.

Conclusion that, in certain cases, provision should be made to secure to the population such rights of way or other privileges over the commons as may, as far as possible, diminish their loss of enjoyment, *Rep.* iv.

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Rogate Inclosure. Reservation of allotment ground in the case of Rogate inclosure, in consequence of Mr. Wetherell's anxiety on the subject, whereas the ground has not yet been taken or broken up; belief that this is not owing to any excess in the rent demanded, *Bonham-Carter* 1918. 1930–1933. 1949–1955.

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Sale of Allotments. Suggestions that the allotment wardens be empowered to sell as well as to exchange land, subject to the approval of the Commissioners and to the re-investment of the proceeds in more suitable land, *Tremenheere* 1189-1192. 1212-1215. 1253. 1309-1313. 1455——The proceeds from sale should then be re-invested in land more conveniently situated, *ib.* 1189. 1190. 1213.

Saxlingham Inclosure (*Norfolk*). Statement as to only one acre being given for allotments, in the case of this inclosure, whilst there is no explanation on the subject in the Commissioners' Report, *Darby* 343-348——Explanation, as regards Saxlingham Common, that there were only four cottages near the common with insufficient gardens, and that one acre was set out for allotments, *Wetherell* 717-726.

Selston Common (*Notts*). Very inadequate space reserved for recreation upon the inclosure of Selston Common; large population adjacent, *Browne* 1160-1166.

Shrewsbury Castle Common. Great distance of the cottages from Shrewsbury Castle Common, whilst they were already provided with gardens, so that no allotments were set out, *Wetherell* 603, 604.

Skyborrah Hill Inclosure. Examination relative to the non-reservation of any allotment for recreation, or for the labouring poor, in the case of Skyborrah-hill inclosure, *Darby* 265-277——Particulars relative to the Skyborrah-hill inclosure; the chief reason for not setting out allotments in this case being the steep ascent from the cottages to the hill, and the difficulty of conveying manure up, *Wetherell* 599-602. 605-617.

Statistics of Allotments. Opportunity of providing certain statistics relative to allotment gardens once in five years, for a moderate sum, *Tremenheere* 1185——Further approval of statistical returns every five years relative to the allotment land, the estimated expense being from 3,000 *l.* to 4,000 *l.*, *ib.* 1257-1259.

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Surplus Rents (*Allotments*). Approval of any surplus from the allotments being appropriated towards the local rate, *Darby* 384.

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Evidence in favour of power in the allotment wardens to let the allotments at rents in excess of their farming value, *Tremenheere* 1193-1198. 1480-1483——Advantage of capitalising the net proceeds derived from allotments let beyond their farming value, such proceeds to be used for extending the allotment system, *ib.* 1213-1215——Further statement that the allotment wardens should be empowered to apply the rents otherwise than in aid of the local rates, *ib.* 1402, 1403.

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Swaffham Inclosure. Circumstance of the land allotted for the labouring poor at Swaffham Heath being about a mile distant from the cottages and being very inferior; there is good access to this land and the land nearer the village is still more unsuitable, *Wetherell* 953-960.

Considerable dissatisfaction in the town relative to the situation of the allotments for the labouring poor upon the inclosure of Swaffham Heath; good grounds for this feeling, *Mobbs* 1784-1796. 1815. 1843-1852——Complaint also as to the five acres reserved for recreation, the situation and mode of access being very objectionable, *ib.* 1797-1814——Statement as to the Assistant Inclosure Commissioner having at the local meeting told those who were not owners, that they had no legal rights, and that he could not

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not entertain any claim from them; comment hereon, *Mobbs* 1802–1807. 1816–1841. 1853–1861. 1875–1880.

Explanation relative to the appearance of witness before the committee in connection with the absence of proper representation or complaint before the Assistant Commissioner when at Swaffham, *Mobbs* 1816–1849. 1860–1865. 1875–1880——Privileges possessed by witness and by the inhabitants generally in regard to the use of the common, these privileges, such as the right of turning out cattle and the right of cutting ling, being now lost, *ib.* 1828–1835. 1857–1859. 1872–1874. 1894–1896. 1902–1909——Grievance of the ratepayers being called upon to maintain roads laid out in the inclosure, *ib.* 1832, 1833. 1889–1891——Prejudicial effect of the inclosure ultimately as regards the labouring poor, though in the first instance it may be beneficial, *ib.* 1866.

Positive denial as regards Swaffham inclosure that witness refused to hear certain persons because they had no legal rights, *Wetherell* 2048, 2049——Explanation as to the land reserved at Swaffham Common for recreation and for the labouring poor being so far from the town; facilities given for exchange in this case, *ib.* 2050–2060. 2066.

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Withypool Inclosure:

1. *Explanation and Defence of the Action of the Inclosure Commissioners as to the Recreation Ground and Garden Allotments.*
2. *Exceptions taken to the Course pursued by the Commissioners, more especially as to the Amount of Recreation Ground.*
3. *Conclusions of the Committee.*

1. *Explanation and Defence of the Action of the Inclosure Commissioners as to the Recreation Ground and Garden Allotments:*

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1. *Explanation and Defence of Action of Inclosure Commissioners, &c.*—continued.

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2. *Exceptions taken to the Course pursued by the Commissioners, more especially as to the Amount of Recreation Ground:*

Conclusion as to the insufficiency of the land reserved for the labouring poor, *Tremenheere* 1382–1386.

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3. *Conclusions of the Committee:*

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TO

REPORT

FROM THE

SELECT COMMITTEE

ON

INCLOSURE ACT.

Ordered, by The House of Commons, *to be Printed,*
7 *July* 1869.

304—I.

Under 4 *oz.*

SPECIAL

REPORT

FROM THE

SELECT COMMITTEE

ON

METROPOLITAN COMMONS ACT 1866 AMENDMENT BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
19 *July* 1869.

Monday, 31*st May* 1869.

Ordered, That the Metropolitan Commons Act (1866) Amendment Bill, be read a second time, and committed to a Select Committee.

Wednesday, 16*th June* 1869.

Select Committee nominated of—

Mr. Knatchbull-Hugessen.	Sir Henry Selwin-Ibbetson.
Mr. Frederick Stanley.	Mr. Charles Reed.
Mr. Bonham-Carter.	Mr. Rowland Winn.
Mr. Knight.	Mr. Henry Samuelson.
Mr. Buxton.	Colonel Barttelot.
Lord George Hamilton.	Mr. Thomas Chambers.
Mr. Andrew Johnston.	

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Thursday, 24*th June* 1869.

Ordered, That the First and Second Reports from the Select Committee on Open Spaces (Metropolis) 1865, and the Report from the Select Committee on Wisley Common, 1869, be referred to the Committee.

Thursday, 1*st July* 1869.

Ordered, That the Suburban Commons Bill be referred to the Committee.

Wednesday, 7*th July* 1869.

Ordered, That Mr. *Cowper* and Mr. *Gerard Sturt* be added to the Committee.

Monday, 19*th July* 1869.

Ordered, That the Committee have leave to make a Special Report, and have power to report the Minutes of Evidence taken before them to the House.

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SPECIAL REPORT.

THE SELECT COMMITTEE to whom the METROPOLITAN COMMONS ACT (1866) AMENDMENT BILL and the SUBURBAN COMMONS BILL were referred;——HAVE agreed to the following SPECIAL REPORT:—

WHILST the evidence taken before your Committee shows that some amendments in the Metropolitan Commons Act (1866) Amendment Bill are desirable, sufficient time has not elapsed since the passing of that Act to enable such a fair judgment of its working to be formed as would justify your Committee in recommending the application of its provisions to a wider area than that to which the Act at present applies.

Considering the larger question involved in the Suburban Commons Bill, your Committee have refrained from taking evidence thereupon, which could not have been satisfactorily concluded during the present Session, and they report the said Bill without amendment to the House.

Your Committee have considered the Metropolitan Commons Act (1866) Amendment Bill, and have amended the same by the omission of the Clause referring to the extension of the area, and in other particulars.

REPORTS.

METROPOLITAN COMMONS ACT (1866) AMENDMENT BILL.

THE SELECT COMMITTEE to whom the METROPOLITAN COMMONS ACT (1866) AMENDMENT BILL was referred, have considered the said Bill, and taken Evidence thereon, which they have agreed to report to the House, and have gone through the Bill, and made Amendments thereunto.

SUBURBAN COMMONS BILL.

THE SELECT COMMITTEE to whom the SUBURBAN COMMONS BILL was referred, have agreed to report the same, without Amendment.

PROCEEDINGS OF THE COMMITTEE.

Thursday, 24*th June* 1869.

MEMBERS PRESENT:

Mr. Bonham-Carter.	Mr. Johnston.
Mr. Stanley.	Mr. Knight.
Mr. Reed.	Colonel Barttelot.
Sir Henry Selwin-Ibbetson.	Lord George Hamilton
Mr. Knatchbull-Hugessen.	Mr. Winn.
Mr. Samuelson.	

Mr. KNATCHBULL-HUGESSEN was called to the Chair.

The Committee deliberated.

[Adjourned till Thursday, 1st July, at Twelve o'clock.

Thursday, 1*st July* 1869.

MEMBERS PRESENT:

Mr. KNATCHBULL-HUGESSEN, afterwards Mr. CHAMBERS, in the Chair.

Sir Henry Selwin-Ibbetson.	Mr. Johnston.
Mr. Chambers.	Mr. Samuelson.
Mr. Winn.	Mr. Stanley.
Mr. Bonham-Carter.	Mr. Reed.
Mr. Buxton.	Mr. Knight.

Motion made, and Question, "That Mr. *Chambers* do take the Chair of the Committee"—(Mr. *Knatchbull-Hugessen*)—put, and *agreed to*.

Mr. CHAMBERS took the Chair.

Mr. *George Ridley* and Mr. *Benjamin Scott* were severally examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 5*th July* 1869.

MEMBERS PRESENT:

Mr. CHAMBERS in the Chair.

Mr. Knight.	Mr. Buxton.
Mr. Johnston.	Lord George Hamilton.
Mr. Samuelson.	Colonel Barttelot.
Mr. Bonham-Carter.	Mr. Stanley.
Mr. Winn.	

Mr. *Benjamin Scott* further examined; Mr. *William Wyke Smith* examined.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 8*th July* 1869.

MEMBERS PRESENT:

Mr. CHAMBERS in the Chair.

Mr. Reed.	Mr. Samuelson.
Mr. Johnston.	Mr. Winn.
Mr. Bonham-Carter.	Colonel Barttelot.
Mr. Knatchbull-Hugessen.	Mr. Knight.
Mr. Cowper.	Sir Henry Selwin-Ibbetson.

Mr. *P. H. Lawrence* examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 12*th July* 1869.

MEMBERS PRESENT:

Mr. KNATCHBULL-HUGESSEN in the Chair.

Mr. Reed	Sir Henry Selwin-Ibbetson.
Mr. Johnston.	Mr. Cowper.
Colonel Barttelot.	Mr. Stanley.
Mr. Bonham-Carter.	Lord George Hamilton.
Mr. Winn.	

Mr. *R. Cecil Austin*, Mr. *James Bell*, Mr. *William Worsfold*, Mr. *Henry Marshall*, and Mr. *Samuel Smith*, were severally examined.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 15*th July* 1869.

MEMBERS PRESENT:

Mr. COWPER in the Chair.

Mr. Sturt.	Mr. Winn.
Mr. Johnston.	Colonel Barttelot.
Mr. Bonham-Carter.	Mr. Stanley.
Mr. Knatchbull-Hugessen.	Mr. Buxton.
Mr. Knight.	Lord George Hamilton.

Mr. *Richard Ellis* examined.

The Committee deliberated.

METROPOLITAN COMMONS ACT (1866) AMENDMENT BILL.

Preamble *postponed.*

Clause 1 *agreed to.*

Clause 2 amended, and *agreed to.*

Clause 3 *disagreed to.*

[Adjourned till Monday next, at Three o'clock.

Monday, 19*th July* 1869.

MEMBERS PRESENT:

Mr. COWPER in the Chair.

Colonel Barttelot.	Mr. Samuelson.
Mr. Knatchbull-Hugessen.	Lord George Hamilton.
Sir H. Selwin-Ibbetson.	Mr. Winn.
Mr. Johnston.	Mr. Knight.
Mr. Bonham-Carter.	

METROPOLITAN COMMONS ACT (1866) AMENDMENT BILL.

New Clause: "A scheme may be made, under the principal Act, on a memorial in that behalf presented to the Commissioners by any six or more ratepayers or inhabitants of the parish or district in or near to which the common is situate, or of the Metropolis, as well as by any such person, persons, or body, as is or are described in Section 6 of the principal Act"—(Mr. *Johnston*), brought up, and read the first time, read a second time, and amended.

Question put, That the Clause, as amended, be added to the Bill.—The Committee divided.

Ayes, 5.	Noes, 4.
Mr. Bonham-Carter.	Colonel Barttelot.
Lord George Hamilton.	Sir Henry Selwin-Ibbetson.
Mr. Knatchbull-Hugessen.	Mr. Knight.
Mr. Johnston.	Mr. Winn.
Mr. Samuelson.	

Preamble *agreed to.*

Ordered, To report, together with the Minutes of Evidence.

Motion made, and Question, "That the Chairman be directed to move the House for leave to make a Special Report"—(Mr. *Knatchbull-Hugessen*)—put, and *agreed to.*

SPECIAL REPORT proposed by Mr. *Knatchbull-Hugessen*, read a first and second time, amended, and *agreed to.*

Ordered, To Report.

SUBURBAN COMMONS BILL.

Ordered, To report the Bill, without Amendment.

MINUTES OF EVIDENCE.

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MINUTES OF EVIDENCE.

Thursday, 1*st July* 1869.

MEMBERS PRESENT:

Mr. Bonham-Carter.
Mr. Buxton.
Mr. Thomas Chambers.
Mr. Andrew Johnston.
Mr. Knatchbull-Hugessen.
Mr. Knight.
Mr. Charles Reed.
Mr. Henry Samuelson.
Mr. Henry Selwyn-Ibbetson.
Mr. Frederick Stanley.
Mr. Rowland Winn.

THOMAS CHAMBERS, Esq., in the Chair.

Mr. George Ridley, called in; and Examined.

Mr. *G. Ridley.*

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1. *Chairman.*] What office do you fill?—I am one of the Copyhold Inclosure and Tithes Commissioners.

2. You have been for some time in that office, have you not?—I was appointed in 1860.

3. Are you familiar with the operation of this Act of 1866?—We have the administration of that Act, and I can describe what has taken place under it, which is very little at present; we have had, in fact, only seven applications altogether under that Act, and one of those was an application made to us under a Private Bill for the city of Norwich, into which were incorporated the provisions of the Metropolitan Commons Act, 1866, for the purpose of enabling them to deal with some lands in the neighbourhood of Norwich, about which there were, I believe, great disputes.

4. How could that be an application under this Act?—It was a local Act incorporating the provisions of that Act; it never proceeded any further after a few letters and correspondence; there were great disputes between the parties. The only scheme which we have sent in to Parliament, under the Act of 1866, at present, is one relating to Hayes' Common, and that, I believe, has now received the Royal Assent.

5. Do you attribute the fewness of these applications to any defect in the provisions of that Act?—I do not know that I should attribute the fewness of the applications to that cause; but certainly I should say that when we come to administer that Act with reference to these schemes, we find that the machinery provided is deficient.

6. Have you formed any opinion as to the changes which could be desirable in the provisions of this Act of 1866?—I think that the machinery provided for the Commissioners is deficient in these ways. In the first place, I think that it is extremely desirable that when we come to entertain an application under that Act, it should be remitted to us to ascertain, and that we should have power at once to ascertain the boundaries of the lands proposed to be dealt with, whether there is any dispute or whether there is not. I think that upon a map being sent in to us we should, after we have decided to entertain the application, and have made up our minds that a draft scheme should be prepared, have power at once to go, as has been done in the case of Disafforesting Acts, and ascertain the boundaries. For that purpose we should, of course, have power given to us to enter upon the lands, and to order a survey to be made, and the parties who applied to us would have to bear the expense of all that.

7. In that respect your power is defective at present?—Yes; there is no reference in the Act of 1866 to any such power as that. The power which we have under the General Inclosure Act relating to boundaries is, where a dispute arises between the boundaries of adjacent manors and parishes and hamlets; but there we do not interfere until a dispute has arisen, and it is represented by the valuer. I think that in the case of the metropolitan commons, assuming that this Act is to be the method of proceeding with them, we ought to have power at once to define and lay down the boundaries of the commons, subject of course to some appeal, if any parties felt themselves aggrieved, or if any public interests were overlooked.

8. If no dispute arises with reference to the boundary, is it not right to assume that there is an ascertained and agreed boundary?—To a certain extent it is no doubt so, and perhaps it might be said that what I have suggested should only be done where we thought it right to do so; but

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in some cases there are little edges of land, an irregular bit here, and an irregular bit there, and the question is whether they are part and parcel of the large tract to be dealt with, or not. I think that in some of those cases it would be right that we should have the power of ascertaining the boundaries as a fact, if we thought it proper to do so, and therefore, of course, we ought to be able to enter the lands. The Metropolitan Commons Act of 1866 has not incorporated the powers of inquiry which we have under the Inclosure Acts, and they are somewhat different; and as our duties and powers are all statutory we hold that we cannot exercise, under the Metropolitan Commons Act, the powers which we have of making regulations and determinations under the General Inclosure Acts. For instance, under the Metropolitan Commons Act we have no power to summon witnesses, or to call for public records, or public documents, court rolls, and such other things as we have power to call for under the Inclosure Acts. Our powers, which are exercised either by ourselves or by the Assistant Commissioner whom we send to make an inquiry under the Act of 1866, are only to examine such people as may offer to give evidence, as you will see if you refer to section 11 of the Act of 1866. We considered that point, and our assistant commissioner who holds these meetings, and is very well acquainted with the law, has decidedly held (and we have agreed with him) that he cannot summon anybody. He cannot call for court rolls, and he cannot conduct so efficient an inquiry under that Act as he can do under the General Inclosure Acts. I therefore think that in that respect the Act is deficient. I also think that it would be very advantageous to take the opportunity of ascertaining what people have rights of common over these lands. There is no power under the Act for us to do it, and to determine it, as we do under the Inclosure Acts. I refer to claims of rights of common. We are directed to frame a scheme, and to state in the scheme what rights claimed by any person, or class of persons, are affected by the scheme, and in what manner, and to what extent, they are affected thereby. Now, it is extremely difficult for us to be able to ascertain that, and to state it with accuracy, as was, of course, intended, unless we have power to call the people before us, and to ascertain from them what claims they have, in the same way as we do now with ordinary inclosures. I can only refer to the lord of the manor, or to any commoners, the names and residences of whom I may be able to ascertain, and say, "What right do you claim"? But the number of people who claim, and the nature of their right, is a thing which is altogether beyond our power.

9. Mr. *Winn.*] Then, how do you practically ascertain it?—Practically we have ascertained it in this way: where we have passed a scheme we have taken what the parties have stated, and the assistant commissioner, when he has held his inquiry, has taken what evidence he could as to what rights were claimed.

10. In the same way as he would in an ordinary inclosure?—He has taken the best evidence that he could get, but we have not ascertained all the claims, and we do not under this Act make a determination upon claims, which is what we do under the Inclosure Act, and yet we are required to state what rights are claimed, and the nature, and the extent to which they are affected by the scheme, and I always feel that there is very considerable difficulty in endeavouring to put that down with proper accuracy in the scheme unless we have further power to make inquiry.

11. *Chairman.*] But would you not think that a statutory power to inquire upon certain points, and to receive evidence and information, would give you all the necessary power to investigate?—No, I do not think that it does; it does not give power to summon witnesses and to enforce the production of documents.

12. The words are that you are "to take and receive any evidence and information offered" to you?—Yes.

13. You would propose that all the powers which you have incidental to any inquiry under the general Acts should be given to you for the purpose of this inquiry, under the Metropolis Commons Act?—Just so, so far as regards ascertaining the rights of parties and determining them, and being able to summon witnesses and to call for court rolls; such a power as is provided in the Inclosure Acts.

14. Is there any other suggestion which you desire to make?—There are some two or three points, of which I have made a note. One point arises in this way: we hold, upon the construction of this Act of Parliament of 1866, that it applies only to lands which are waste of a manor; that is under the 3rd section of the Act, namely, the interpretation clause. We do not think that it applies to lammas lands, or half-year lands.

15. In your judgment is it desirable that the interpretation should be enlarged?—I think that perhaps the interpretation should be made more clear and specific. If it is decided by Parliament to enlarge the lands which are to be dealt with under this Act, I think that it should be stated specifically. At present we hold that it applies only to the waste of manors, and certainly my own opinion is that it ought not to apply to half-year lands.

16. Mr. *Winn.*] What do you call half-year lands?—I mean by half-year lands, lammas and shack lands.

17. *Chairman.*] Lands which at particular times are subject to the rights of a certain portion of the public, and at other times are held in severalty?—Yes; the distinction between the two is, that lammas land is open arable or meadow land.

18. Mr. *Winn.*] That is to say, what in many cases is called open field land?—Yes; for six or, perhaps in some cases, eight months in the year, the lands may be shut up; after a certain date they are thrown open, after the crops are gathered, and there are rights of common for the remainder of the year belonging to people in lammas lands, other than those who own the right in severalty; in the case of shack lands, I believe that the distinction is, that the rights of common only then belong to those persons who are owners of them in severalty, and not to other people at all.

19. *Chairman.*] It is proposed in the Bill which is referred to this Committee, to enlarge the interpretation of the word "common," by introducing the following words: "And any open space which has been enjoyed or frequented by the public for not less than 20 years before the passing of this Act"; in your judgment, would the addition of those words include the lands to which you have just been referring?—No, certainly not.

20. As I understand, the Commissioners interpreting

preting the Act of 1866, hold that it does not include the lands which you have been describing?—It does not in our judgment.

21. And that being the practical interpretation given to the Act, do you think that it would be necessary in any respect to amend the interpretation of that Act in any other particular than the one to which I have alluded?—Yes, if you intend to include lands of the description to which I am referring, and I certainly do not think that the terms of the Bill which is now before the Committee would include those lands.

22. Then in your judgment it would not be expedient that the provisions of any such measure as this should apply to such lands?—I really think not, because they are held in severalty for a large portion of the year. These words in this Bill would, I think, put under the Metropolitan Commons Act lands which are not intended or were ever contemplated to be put under it, such as Hyde Park and Regent's Park, or other places enjoyed or frequented by the public for not less than 20 years before the passing of the Act; it appears to me that it would subject those lands to having a scheme applied to them.

23. The public parks to which you have been alluding, you think would be affected by this definition?—Yes; though they are Royal parks, they have been enjoyed and frequented by the public, it is true under a license from the Crown, but they are open spaces which have been enjoyed or frequented by the public for more than 20 years.

24. Do you think that any practical inconvenience could arise from the circumstance that the definition was wide enough to include such places?—No; practically it would not have that effect, the words would carry it, but I do not think that they would carry the lammas lands, or the half-year's lands.

25. Is there any other amendment of the Act of 1866 which you can suggest?—Yes; referring to the point which I have mentioned, that in our judgment the interpretation clause of the Act of 1866 applies only to waste of a manor, I think that we ought to have the power of being able to ascertain upon inquiry, on application made to us, whether these lands are waste of a manor, or are not; in some cases we should have a difficulty or doubt about it; a part may be waste of a manor, and a part may not be waste of a manor, and I think that in that case it is desirable that we should be cautious, and not attempt to deal with lands which are not in reality meant to be within our jurisdiction; I do not remember at the present moment any other deficiences in the powers of that Act; I should think that probably the powers which I have been recommending might be embodied in two or three clauses.

26. Then, as I understand, the amendments which you suggest are amendments of your powers as a tribunal of inquiry?—Quite so. I have had a map prepared in the Survey Department of the Inclosure Office, for the use of this Committee; it is rather a large affair, but I will explain what it is. This map has been drawn to show the 5-miles radius, the 10-miles radius, the 15-miles radius, the 20-miles radius, and the 25-miles radius.

27. Mr. *Knatchbull-Hugessen.*] Can you compare that with the metropolitan police district?—The metropolitan police district on this map is marked green.

28. *Chairman.*] The circular lines represent the distances which you have mentioned?—Yes. The parts of the map marked red are the open commons and spaces mentioned in the Return made to the Order of the House in 1865. Upon marking those upon this map, it struck the person who did it that there were on this map great portions of land marked as common which were not referred to in that Return; therefore, in order to make it a little more perfect (I do not know how the inaccuracy may have occurred), we proceeded to mark in the blue colour the portions of land which we found marked on the map as common, and, as far as we have had time to do it, we have tested the accuracy of what we have done by reference to the tithe map and apportionments. We have not had time to do it entirely, but as far as we have tested the blue colour, we have found that those are open spaces, waste of a manor. The parts coloured green are the existing parks, Richmond, Greenwich, and Windsor, and such like Royal parks. If the Committee should wish anything further to be tested as respects the lands marked blue, of course it can be done on a future day.

Mr. *G. Ridley.* 1 July 1869.

29. Is there any distinction between the character of the lands coloured red, and of those coloured blue, or are they of the same class and description?—As far as we know, we only intended to mark lands which were waste of a manor.

30. Some are marked red, and some are marked blue; the blue are those which were not included in the return of 1865; is there any distinction between the class of lands marked blue, and those marked red?—We believe them to be the same.

31. How is it that those which are marked blue, were omitted from that Return?—I am unable to say.

32. All those lands ought, in conformity with the Order of Parliament, to have been returned?—Yes; we do not at all intend to dispute, or to account for what is left out in the Return, which was moved for by Mr. Locke in 1865. I suppose that it was made out by the Ordnance Survey Department. I see that it is dated from the War Office; very likely they took it from the parish maps, and were not able to ascertain the whole at that time, and gave the best information which they could. We finding on the Ordnance map when we looked at it, other lands marked as common, for instance, one common which I happen to know, called Cobham Common, which is certainly not inclosed, and not finding it in the return, said that there might be others, and we proceeded as far as we could to supplement it on that map.

33. Probably they returned what they were certain about, and what they were not certain about they did not return?—I think that there very likely was some feeling of that kind.

34. Have you any other observations to make with regard to that map?—The area of land, coloured pink on the map which I have shown, includes 38,459 acres; that is the amount taken from the Return. Those parts marked blue, contain a computed area of 13,000 acres.

35. Over what extent of surface are they scattered; have you ascertained the number of square miles?—The calculation has been made, that within the 25-miles radius, there are comprised 1,256,320 acres.

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36. Does that include the area to which you alluded when you mentioned the former items of 38,459 acres, and 13,000 acres?—Yes; they are dispersed over that area. Therefore it shows, that out of the 1,256,320 acres, there is one-twentyfifth part of the entirety uninclosed, namely, one acre in 25; or (to go, perhaps, a little closer), if you take out of that area the land built upon and covered with houses in London and other places, it will be one acre in 20 to 23. I believe that to be as close as it can be given.

37. I assume that that area which you have mentioned includes the whole of Epping Forest, or very nearly the whole of it?—It certainly includes a very large portion of it, if not all; I will point out Epping Forest. Most of this land still unenclosed within the 25-miles radius is in the southern and western portions. This is Epping Forest (*pointing to the map*).

38. Of those commons which are marked are there any with reference to which applications have been made under the Metropolis Commons Act?—An application was made in the case of Wimbledon Common to deal with it under a scheme. In the case of Wimbledon Common, when we inquired into it, we found that there was a very great litigation; there was a bill filed in the Court of Chancery, and there was an answer to that bill, and upon being furnished with a copy of the answer to that bill, we considered that Lord Spencer, so far as his claims were concerned, denied that there now exists a right of common at all. Therefore, if it was the fact that there was no right of common, it was not a thing within our jurdisdiction, and as the matter was the subject of a suit in Chancery, and as a bill was filed and the answer delivered, we consider that we were not justified in proceeding further in the matter. It was before a court of law which was competent to determine the question whether there was a right of common or not.

39. Supposing that the amended words proposed in this Bill were adopted, it would give you jurisdiction over such a space as that; the words are, "And any open space which has been enjoyed or frequented by the public for not less than 20 years"?—It might be enjoyed or frequented by license.

40. How would the Commissioners, having to carry out this Bill, supposing that it were an Act of Parliament, interpret that?—We should be puzzled to do so.

41. So long as there was pending litigation, of course the Commissioners would not think it right to proceed?—No, because the Act says, "land over which there is any right of common."

42. That is not the amended interpretation?—No, but the Act of 1866 says so.

43. Supposing that the suggestion in this Bill had the sanction of the Legislature and that the interpretation were amended by adding the words which I have read to you, would you then consider that over such spaces as that the Commissioners would have authority?—I should be unwilling to decide positively, and to give an off-hand opinion upon an Act of Parliament in a hurry.

44. There might be cases in which you might consider it doubtful?—Yes; I think that the words in the Bill are not sufficiently explicit, they are open, I think, to several interpretations.

45. Take the case of an Inclosure Act, which was passed in the year 1800, and assume that from that time to this there has been no actual inclosure, and that the public have had the same rights, whatever they are, over the land in question since 1800 as they had before, the land would fall within such a description as this: "any open space which has been enjoyed or frequented by the public for not less than 20 years"?—Yes; but that land would have been enjoyed and frequented by the public, not as exercising a legal right, but merely by going over it; it is a permissive right, or used adversely to the owner of the soil.

46. The definition does not propose to touch the question of the nature of the right, but only to describe the fact that the public have enjoyed and frequented such spaces?—Yes; without any consideration whatever as to whether that fact has any validity in respect of legal right.

47. But treating that fact as so significant as to warrant the legislature in giving the protection which the Metropolis Commons Act gave to other commons?—It is possible that upon those words we might hold that Wimbledon Common might be within our jurisdiction, but I do not think that it would be so long as the litigation was going on.

48. I suppose that any scheme suggested with reference to such lands would be capable of being opposed in the usual way in the courts of law, by raising the question as to whether this Bill, supposing that it became an Act of Parliament, would apply?—Yes; the question of our jurisdiction in entertainining the application originally might be raised by an injunction in the Court of Chancery, prohibiting us from proceeding. The question of our jurisdiction in a particular case is now raised before the Court of Queen's Bench, in which case we have a mandamus moved against us to compel us to go on with the inclosure; it is a case in which a dispute has arisen as to the ownership of the soil.

49. So that no wrong could be done to parties without the usual remedy being available?—I do not see how a wrong would be done in that way; of course the parties could stop us by application to the Court of Chancery for an injunction.

50. Have you formed any opinion as to whether it is expedient or not, to enlarge the radius mentioned in the Act of 1866, considering the increase of the metropolis?—In my humble opinion, it is not expedient to enlarge that area, and in my humble opinion also, the method of dealing with the open spaces near the metropolis under the Act of 1866, is not the best way of dealing with them.

51. Do you desire to suggest any alternative scheme?—I would rather suggest another course of proceeding; in the first place, I quite admit that it is extremely desirable that near the metropolis, spaces should be left open for exercise and recreation, and also for fresh air to blow upon the metropolis; but I must remember at the same time, that these lands which are wastes of a manor, are all private property. Sitting as a Commissioner, I cannot do otherwise than hold that, for the law says that they are so.

52. Considering that the Act provides for the compensation of all persons who may be deprived of rights under the Act, do you think that that is material to the inquiry, where you provide a compensation?—I think so, where these lands are private property.

53. And

53. And yet, notwithstanding that the Act provides that they shall be compensated for any rights of which they may be deprived?—I know that clause perfectly well, but I do not think that it is the best way of dealing with these commons. There is no doubt that certain of them should be kept open. I presume that the object of this Bill is not only to keep open spaces for the refreshment of air, so that in the immediate outskirts of the metropolis the ground shall not be over-crowded; but also that there shall be a space for exercise and recreation. I think that the better way would have been to make a selection of all those commons which are immediately near to the metropolis, and which are within such a distance of the metropolis, as that they can be easily reached by any men, particularly the working classes, by whom they are most wanted, upon any day or any half-day, on which such a man is able to go and enjoy himself, and wants fresh air and exercise. The Metropolitan Board of Works perhaps might do so. Let them give notice to the lord of the manor, and to the commoners in some way, that it is their intention to apply for leave to take those lands for public objects, and in a public point of view as to health; and then I would rather let them apply under an Act of Parliament, which would order us to receive the application and to make the inquiries, and to ascertain the rights and to consider the terms for compensating the lord of the manor and the common-right owners; and I would have all that drawn up in a Provisional Order (which is the ordinary term), and that Provisional Order having been submitted to the proper parties, and a proper amount of assents having been received, it should be laid before Parliament for confirmation.

54. Do you not think that, considering the present facility of railway accommodation, a radius of 25 miles satisfies your opinion of nearness to the metropolis for practical purposes?—No; in my opinion that is not so. I think that, as a principle, you want such a space as the people who work in the neighbourhood of the metropolis can reach on any day or any half-day on which they can go out, at a very little expense. A 25-miles radius may be very useful, and very agreeable upon certain great holidays, but I do not think that that radius is required for exercise and recreation for the metropolis, taking it all the year round.

55. Mr. *Winn.*] You think that that radius is larger than is necessary?—Yes.

56. *Chairman.*] You would not adopt the principle of a radius at all, but you would specify certain commons?—Yes; and I would then provide a machinery by which the rights of people having been ascertained, they should be compensated. That compensation could be given either in the shape of a small allotment to the lord, or you might give him a rent-charge, and so with the commoners. The reason why I make that suggestion is that I think that it is a far better way of dealing with these matters than the present system, which I think is unsatisfactory and inconclusive. There is nothing to say that these schemes, even when confirmed by Parliament, are to be prohibitory of parties doing other things with their land; and yet, if they proceeded to do them, it might be a subject of great litigation; parties objecting might put in a scheme confirmed by Parliament, and say, "Parliament has decreed that this shall be done with the land." I should ask "What are you going to do; are you going to dig away the soil, and to remove the trees, and so on"? The lord would be exercising his right, and then you have an unsatisfactory and unsettled state of things.

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57. Has any practical illustration of that remark arisen?—No; the only scheme which we have recommended to Parliament is one which merely received the Royal assent a few days ago, and therefore nothing whatever has been done with it.

58. Assuming that under the "Metropolitan Commons Act," the commons within the enlarged radius would be protected under the 5th clause, who would be wronged; that clause merely prevents the Inclosure Commissioners from interfering in the scheme for inclosure; things would be left in *statu quo*?—Quite so; but the lord has certain rights of soil, and if he is owner in fee, and is able to get the assent of the other people who have rights of common over the land, he can inclose without coming to Parliament. It is very seldom that that occurs, and by reason of the difference of the interests in the parties who own the rights, and who own the soil over which there are these rights, it is necessary to apply to Parliament for the inclosure; they are not *sui juris*. The honourable Chairman asked me a question with reference to the grounds of objection, and whether I thought it objectionable to extend this provision to a 25-miles radius. There are other grounds irrespective altogether of the question of the private right to these lands, which I think are deserving of very serious consideration. These lands may be required for various reasons, some perhaps for building, some perhaps for planting; it is possible that a great many may be required for sanitary purposes. I know a case in Epping Forest where land is required for sanitary purposes, and compulsory sanitary purposes.

59. How would the enlargement of the radius affect such a question as that, because Parliament must give its sanction?—I am going to explain that. In that particular case they will have to expend a very large sum of money for the supply of water, and for sanitary purposes and sewerage; it is a small town, they will have to provide this money, and to pay it out of their rates. They say, "There are certain waste lands of the manor, and if they are dealt with we shall be able to effect this great improvement, and we shall have something to pay it with, but otherwise we shall have a very large increase thrown upon our rates, and we shall not be able to improve the land in our immediate neighbourhood which would enable us to pay for it."

60. But any such scheme must require the sanction of Parliament?—No doubt.

61. And requiring the sanction of Parliament, of course, any enlargement of the Act of 1866 would not stand in the way?—I do not know about that; we should be able at this moment to entertain, *qua* the extent of our jurisdiction, an application for the inclosure of the land of which I am speaking. I do not know that under the Inclosure Act we should be able to carry out all the objects of that scheme, but we should be able to carry out some of them.

62. You could go a certain distance in favour of the projectors of any such scheme, but their scheme in the entirety could not be carried out without the sanction of the Legislature?—Yes, the particular scheme I think would in some particulars be beyond the Inclosure Act. I would

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further remark that we know, as a fact, the very large increase of expense which is now yearly put upon the rates and taxes for all parochial purposes; they are very much increasing, perhaps more in the metropolis and the metropolitan counties than in any other part of the kingdom. All those rates and taxes fall upon the land, either upon the owners, or upon the occupiers, and when you put that increase upon them, are they not entitled to say, "Allow us to enlarge the depth and the length of our purses by increasing the value of our land."

63. You would enrich the landowner in order to meet the burthen of the rates?—Is there anything unfair in that?

64. Is not a very small rate comprehended within this Act of Parliament, so long as the lands remain open; and supposing the lands to be inclosed, are not the rates increased?—Yes, if they are inclosed and dealt with, they then become assessed and rated at the value of the inclosed lands, and that would amount to a very considerable sum of money, because the rating of uninclosed lands is very small indeed; I think that in a public sense that is rather an argument against extending this radius of 25 miles. I have a return of the increase of rates in the metropolitan counties; I have taken it from the last Report of the Poor Law Board; I find that in Surrey, extra metropolitan, the rates increased in the year 1867 over the year 1866 14 per cent.; it goes generally under the name of the poor rate, but under that rate there are county rates, and rates for police and roads.

65. Such as are chargeable upon the same property as the poor rate?—Yes.

66. Mr. *Reed.*] At what date was the reassessment?—That I am unable to say. In Middlesex, extra metropolitan, the increase in 1867 over 1866 was 9 per cent; in Kent, extra metropolitan, it was 6 per cent; in Essex, extra metropolitan, it was 10 per cent.; in the county of Hertford it appeared to be 4 per cent. You have a large increase of these rates which are charged upon land. Surely it is not very unfair for the landowners, many of whom have to pay these rates quite compulsorily, to say "There are new things required, these rates are all right, but do not impede us in increasing the value of that out of which we have to pay these increased rates."

67. *Chairman.*] In the present state of the law the lord is able to inclose without the consent of Parliament?—That only arises, in most cases, from the nature of his interests. Practically, there are few cases where the lord of the manor is the owner of the fee, and all the rest of the parties consent.

68. But they will be able to inclose by coming to Parliament, even if this Bill should enlarge the radius?—They will be able to do it by applying for a private Act of Parliament.

69. They are not excluded from the right to inclose; but they would be entitled to inclose with the sanction of the Legislature now?—Yes; but they must proceed by a private Bill.

70. And not under the General Inclosure Act?—And not under the General Inclosure Act.

71. Is there any other observation which you desire to make to the Committee?—I would make this further remark, namely, that however desirable it may, and in my opinion it is, to keep near the metropolis certain spaces open for the purposes required, there are other views very strongly expressed by other parties, that not only should the Legislature facilitate the inclosure of all waste lands, that is to say, dividing and allotting in severalty, but those parties hold that the Legislature ought rather to make it compulsory. I have seen that argument very strongly urged; I mention that before the Committee to show that there are other parties, perhaps not immediately belonging to the metropolis (though I have read these cases in metropolitan papers), who entertain that opinion very strongly.

72. You are possibly sufficiently acquainted with the Inclosure Acts to know that while the policy of the Legislature in the earlier Acts was in favour of inclosure upon the grounds set forth in the preambles of the statutes, yet the Legislature is now taking a different view of that question, especially in the neighbourhood of large towns?—Yes; I am quite aware of the opinion of the Legislature, and that in former days a great many people would have gone in very strongly for compulsory inclosure, and I am perfectly aware that there is now an alteration of the policy, or of the particular method of dealing with that subject. There is another ground which I think is worthy of consideration, namely, that if you do not inclose any of these lands at all you are keeping out of the land market all this number of acres of land, and which can never come into the market to be sold or to be used for any purpose at all. It is true that if I am the lord of the manor I can sell my estate and the waste of that manor to anybody else who is willing to buy it if I have the power to sell, but that waste of the manor can never be sold, except in a lump, and therefore these 50,000 acres, or whatever their extent is, are excluded from the market.

73. It is obvious that the very intention of this Bill is to keep open these spaces?—Yes; no doubt the object of the Legislature in providing this legislation is for a great public purpose; but there are other public purposes for which you require lands to be taken, and you at once proceed to compensate the people for what you take from them. If it is necessary to take a man's land for a railway, or a hospital, or a county lunatic asylum, or anything else, he is obliged to give it up.

74. Has it ever occurred to you that, whilst the prohibition from inclosing land may, in some cases, be a hardship upon the lord of the manor, the fact of the inclosure may, in certain cases, be a serious detriment to the neighbouring proprietors, and that the argument is not all on one side?—I dare say that it is not, but there is also this consideration, that the non-inclosure of these lands will give a very greatly increased value to the old inclosed lands in the neighbourhood at the expense of the owner of the uninclosed.

75. Mr. *Knatchbull-Hugessen.*] In the case of these schemes, I think that you do nothing until you are set in motion by a memorial from the locality?—Nothing.

76. You have stated that you wish for more power to ascertain boundaries; is clause 7 of the Act of 1866 insufficient for you, which provides that, "On the presentation of any memorial under this Act the Commissioners (if, on consideration of the memorial, they think fit) may make such examination and inquiry as they think necessary or proper in relation to the subject-matter of the memorial"?—We may make an inquiry, but we have no power so to conduct that inquiry

inquiry as to lead us to such certainty or accuracy as may be necessary; I cannot, under this Act, summon people or call for records or documents.

77. Then all that you require is the power to summon parties and to call for documents?—Yes, such as we have under the General Inclosure Act.

78. You mentioned seven schemes as having come to you under the Act of 1866?—Yes.

79. Have the reports in those seven cases been presented to Parliament or not?—No, we have only proceeded with one case, and the report in that case has been presented to Parliament.

80. Have you that scheme, and your report upon it, with you?—Yes.

81. Have you any objection to putting it in?—No. (*The Witness handed in the same.*)

82. Under the 21st section of the Act of 1866, do you, in your annual report, set forth the grounds of your approval of the scheme, and the objections which have been made, and so on, more fully than you do under the General Inclosure Act?—That report, which is the only one that we have made, is very full indeed.

83. The Act of 1866 requires you to make fuller reports than you are required to do under the General Inclosure Act?—We have done so in that case.

84. Have you calculated the extent of uninclosed lands, or of lands which would be subject to the operation of this Act, between the metropolitan district which is now subject to the Act, and the 25-miles radius?—I have not.

85. With regard to the Bill, do you, as a public officer, consider it objectionable to have words which are not very explicit?—Yes, I certainly do.

86. And you think that these words would cause some confusion, "And any open space which has been enjoyed or frequented by the public for not less than 20 years before the passing of this Act"?—I do not think that those words are sufficiently explicit or definite for the purpose of enabling us to administer the Act.

87. Supposing that I had some open space over which my private rights were undoubted, but which for some reason or another I had allowed the public to frequent for the last 20 years, would not these words operate rather injuriously to my private rights?—It might be construed to be an admission that you had ceded your private rights to the public by allowing them to go over that space without interruption.

88. Then, do you think that a proviso, that those words should not refer to such a case as I have mentioned, would be sufficient to cure the defect?—I think that I should rather prefer to have defined more precisely the lands which are intended to be dealt with.

89. Do you think that the interpretation clause, in the Act of 1866, is sufficient to include all those lands which should be dealt with under the extension of the Act?—Yes, all waste of a manor.

90. Do you think that a wider interpretation than "waste of a manor" is necessary or desirable?—I do not think that it should be extended to the half-year lands.

91. Are there other classes of common lands which the waste of a manor, and the half-year lands, and the lammas lands, would not include?—I do not think so; I do not think that the words in the Bill could operate upon any lands which are not included within the present interpretation, namely, "waste of a manor."

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92. Then, if so, these words would be unnecessary?—I do not see the necessity of them. If you intend to confine the Act to the waste of a manor, I think that those words are not necessary.

93. The Chairman put it to you, that under this Bill no wrong could be done to anyone without his having a legal remedy; but is not one of the objects of our English law that no man should suffer a wrong without having a legal remedy?—I think that it would be difficult to say that under any scheme, some right or other may not be injuriously affected, even though it is framed as carefully as we can frame it.

94. Are you locally acquainted with the commons in the vicinity of the metropolis within 25 miles, or any number of miles?—I cannot say that I know them accurately; I know some of them more or less; but I cannot say that I have gone over them, or studied them with any great care.

95. You have said that you have only had seven applications?—Yes.

96. Have you reason to believe that the applications are likely to be increased in number?—I am inclined to believe that there are some commons relating to which applications will come before us. We have had an application lately from the Metropolitan Board of Works, and I had the pleasure of seeing the solicitor of the Metropolitan Board in relation to that scheme, and he mentioned some others with which he thought that they would proceed, but we have not had any further application from them.

97. In the cases with which you have already dealt, has the question of compensation arisen?—No.

98. If persons interested in the waste of manors are not very certain of receiving ample compensation, would not it probably prevent their agreement to any scheme which would come before you, and therefore prevent any scheme from coming under this Bill?—Certainly. If the owner of any right of a beneficial character which is going to be injuriously effected did not feel that he was likely to get proper compensation, it would, of course, interfere with his agreement to any such scheme.

99. But you cannot give us any idea how that compensation clause works?—It has never come into operation at all. The scheme which we have sent to Parliament, is one as to which there was no dispute by any parties having a right.

100. You do not doubt that private rights exist in these commons, neither do you doubt that there may be objects for the sake of which these private rights should be surrendered, but you think that in overriding them, compensation should be given to those persons who suffer?—Quite so.

101. Mr. *Bonham-Carter.*] In fact, you think that there may be cases in which these open spaces may be utilised for the benefit of persons living in the metropolis, and may be converted, more or less, into parks for which those who enjoy them, should in some sense pay?—Yes.

102. And you think that the feeling should not prevail in the minds of the persons from whom a sacrifice was required, that they were not adequately compensated?—Certainly not;

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nor do I think that it should be left in an indefinite manner.

103. I underetand that as the Legislature has decided that a certain area should be excepted for a special purpose from the general operation of the Acts under which your Commission was constituted, you think that the Act of 1866 is not sufficiently defined, but you think that it would be better to put in the commons and open spaces, rather than having it in the present indefinite way?—Yes; that is a matter which I have very often thought over.

104. Have you turned your attention to a map of those spaces which may be fairly supposed to have the definition of commons?—Waste of a manor.

105. And commons, other than waste of a manor, as far as you can ascertain them from the map: would not the natural inference be that if you wish to supply parks to this area they should be in some relation to the centre, and that they should be accessible in all directions, and not merely in one particular quarter of this district of 25 miles?—Certainly.

106. Should you think it quite just upon the owners, that is to say the possessors of rights, the lords of the manors and the commoners, in one district in which there was a very large proportion of waste land which would not in all probability be purchased for parks, the whole of the land in that particular district should be subject to the operation of the Act, which would prevent the lords and the commoners making use of it, when there was another district over which the same rights which are conferred by this Act would be supposed to be exercised, but which practically would not operate?—My view of dealing with the thing was, that all sides of the metropolis should be considered. There are commons north, east, west, and south of the metropolis sufficiently near to be approached. My object is to provide those commons which are near and which can be approached, and not that they should be in any particular portion of the radius more than in another.

107. Would not the effect of the extension of the existing Act to 25 miles be to suspend the rights, as they at present exist under the General Inclosure Act, of the owners of a very large area of commons in the south-west district: the map which you have prepared shows us where there would be no prospect of those commons being utilised in the way in which it is proposed to utilise those within the present area?—There is no doubt whatever from this map, that the south-western district would be the quarter most affected by the extension of that radius, because in that quarter there is more open and uninclosed land than upon any other side of London.

108. Are there not already several public parks available for the metropolis in that direction, to which persons can go out of London for recreation?—No doubt; there is Richmond Park and there is Bushey Park, and Hampton Court to a certain extent. I do not at the present moment remember any others.

109. So that in the direction in which at the present moment there are parks available for the public, there is the greatest amount of common which would come under the operation of such an extension as is now proposed?—There is no doubt that there is more open uninclosed land in that direction from the metropolis than in any other; the next largest is in the north east direction towards Epping.

110. The question was asked you whether you did not think that the access to open spaces from the metropolis by railway ought to weigh with those who desire the interest of the metropolitan public in conferring these additional powers of control over property adjoining those railways: will you tell me whether the owners of these commons would have any *locus standi*, if their land was not actually taken by a railway company, to control the introduction of a railway into their district?—I do not know precisely now what the Standing Order of the House may be as to *locus standi*. At the time when I was very much occupied in sitting as Chairman of Committees upon Railway Bills, the Committee certainly had a discretion to admit people whose property, I think, was not actually going to be touched, under representations of special circumstances.

111. So far as you recollect the practice, would it have been competent for the lord and the commoners, say of Cobham, for instance, to have appeared and to have said, "This railroad will inevitably bring a population for recreation, who will set up rights which will be injurious to us"?—The question is, whether they would have had a *locus standi* to oppose it or not. I fancy that under the discretion given to committees, at the time which I am referring to, those parties might have been heard; whether such a ground of opposition would have been admitted by the Committee is very doubtful.

112. You have stated that you see objections to the words, "Any open space which has been enjoyed or frequented by the public for not less than 20 years;" would not questions arise upon the word "open"?—A question would arise as to whether that land might be lammas land, for instance, or not. A question arises, for instance, in London Fields.

113. Suppose the case of two coterminous commons, in one of which all the rights of the commoners are vested in the lord, and in the next of which certain common rights still remain: that is to say, two commons of vicinage, of which one by the gathering in of the rights is vested in the lord, would not both the commons be open to the construction that they were "open spaces"?—Yes. I must take an open space to be one not inclosed and allotted in severalty. By inclosing, I do not look at the word "fencing"; by inclosure I mean allotting the land in severalty.

114. But the word "open," in this Bill, might be subject to the construction of anybody getting from the high road on to the land without going over a fence?—Yes; I apprehend that that is meant to be the reading of that word in the Bill; that is to say, that there is no impediment of a wall, or gate, or that sort of thing, which presents an impediment to anybody going to the land in question, as in the case of Wandsworth Common, or any commons of that character.

115. Then, the fact of whether the owner of a space of that kind had put up a fence or not would bring it within, or leave it without, the operation of this enactment?—No doubt, it might be a subject of dispute. An owner might have put a fence round some land in the last five or 10 years, and with a perfect right, and yet it might be said, "This is an open space"; there might be that dispute.

116. Then, in fact, the words "open space" imply that every owner of property, in order to exclude

exclude the operation of this Act, would have to fence the property?—A great number of persons might very likely do so upon reading that provision, but I do not know whether they would do so or not.

117. Do you know of any legal construction having been put upon the word "enjoyed" for any such easement as to roaming or travelling over the ground; are you aware of any case in which a court of law has decided upon what is meant by the term "enjoyed?"—No, I do not, unless it is the great case which is called the Aberdeen case, namely, the case of Dyce *v.* Lady Jane Hay. There was a case also which occurred in Essex, which was tried before the late Mr. Justice Wightman, where the question arose, and he directed the jury (and I believe that his direction was never disputed) that a claim of anybody and everybody to go over a space of ground was not a thing which could be upheld in law. I have not his lordship's precise words.

118. Would not difficulties arise as to the construction of the word "public," taking the words "enjoyed by the public"?—I should take it as a fact, any number of people having been in the habit of going over the ground.

119. But I presume that some proof would be required of what "the public" were?—The public are distinguished from any private individuals who go on actually with a knowledge of right.

120. Are you aware of any case in which rights of this kind have been exercised, and decisions given, in favour of the public for such a right as enjoying and frequenting, otherwise than the public within the area of the manor or of the parish?—No; I believe that the decisions of the courts of law confine it to the parish, or the manor over which the people have gone and exercised this leave to walk about and amuse themselves.

121. With the exception of the exercise of some supposed right, such as playing golf, which requires a considerable area, or running a race, are you aware of any recent case, since the evidence was given by Mr. Cooke in 1865, which extends, by the decision of a court of law, the rights of the public beyond the decisions which were referred to at that time, namely, the case of Dyce *v.* Lady John Hay, and others?—I do not remember any such case; I think that the Carlisle race-course case was settled before that time.

122. In dealing with the rights which are brought under your cognizance, have you any other rights with which you can deal in the case of a manor or of a parish, or of some subdivision of a parish, beyond some definite rights, such as turning out a particular number of cattle; are there any instances in which you can consider the rights of the public beyond those which are defined by the governing clause of the Act of 1845, with regard to the neighbourhood of large towns?—There are public rights and interests, which we very often have to consider, in an inclosure under the Act of 1845, independently of exercise and recreation; there are other public rights which we have to look after and provide for. For instance, I remember one case where the parties proved in the middle of an inclosure that the fishermen of a certain place on the seashore had always had the right of drying their nets upon land which was going to be inclosed. When that circumstance was brought to our notice, we sent down and inquired into that question. Another right of that sort would be the right of holding a fair on some particular land; that, of course, would be recognised as a right, and would be provided for.

123. *Chairman.*] And these are rights which do not attach to the inhabitants of the particular locality?—In the case of the fishermen, the right did attach to the inhabitants of the locality.

124. Mr. *Bonham-Carter.*] Those rights with which you have to deal are rights upon that specific account, such as drying nets?—Yes; and I think the right of holding a fair, and I daresay that there are others, but I do not now bear them in mind.

125. I ask you that question in reference to the phrase which is used in the Bill, namely, "enjoyed or frequented by the public;" I understand you to say that there are cases where the public have exercised definite rights, which have been brought under your notice, and to which you have given consideration in deciding upon the inclosure?—Yes; of that nature which I have described.

126. Do you not think that it would involve rather a long inquiry to ascertain (if there was opposition) what "enjoyed or frequented by the public" could be held to mean under this clause?—I think that probably a court of law would be called upon to give an interpretation of the words of the Act.

127. It would probably involve an expensive litigation on the part of those persons who are now owners of private rights, which are at present acknowledged, and not attacked?—No doubt if a question arose upon it, there would be the expense of the inquiry, which we should have to make. There might be a decision which we should give, and then perhaps there would be an appeal to a court of law, to say whether our interpretation of those words of the Act was correct or not.

128. If we give to an important body, such as the Metropolitan Board of Works, with large funds at its disposal, and with an organisation, the power of setting up schemes, to take possession of a common which might not be of very large extent, but might be owned by the lords and three or four commoners, it would be in fact giving the lever of saying to these parties, "You must either give us up this common, or contest this question in a court of law"?—It is possible that the course of the proceeding might involve it in litigation, but I do not know that it would, and my own impression rather is, that in proceeding in somewhat the manner which I have ventured to sketch out, the Metropolitan Board of Works would probably not be put in any very great difficulty; they would be better able to come to terms, or to make a good arrangement with the lord of the manor and commoners.

129. Is it not a question whether you would put upon private individuals the pressure which this Act would bring to bear upon them of having to oppose so important a body having public funds?—Of course it would be much more difficult for any private person who thought himself injured by any proposed scheme to oppose the Metropolitan Board of Works, or any other body with money at their command.

130. In the case to which you have referred, as having devised a scheme under the Act of

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1866, did you require any deposit or any security for the costs at an early stage?—Yes, we always take a deposit for the security of our costs under any application which comes into the office: that was done in pursuance of a resolution of the House of Commons which was passed last year, and which was followed by a Bill, in which Bill we were ordered not to entertain any application for an inclosure under this Act, or anything which required the services of an Assistant Commissioner to conduct the inquiry without first taking security for his costs; that was because the House of Commons said, "The operations of your Commission are for the benefit of private persons to whom these properties belong, and therefore it is not right that the costs of your Commission should be defrayed by the public revenues."

131. Wisley Common is within 25 miles of London?—Yes.

132. Was the resolution to which you have referred operative with regard to the expenses of Wisley Common?—Yes, I think that it was. I think that the parties who applied to us for the inclosure of Wisley Common made a deposit.

133. Supposing that an inclosure took effect before the Bill which you have mentioned was carried, would the subsequent stages of the inclosure be subject to the fees?—All the subsequent inclosures are subject to the fees.

134. I understand that the Act of last year rendered the inclosures subject to department fees?—Yes.

135. Some inclosures were in progress at the time?—Yes.

136. Were the subsequent stages of those inclosures made subject to the fees?—Yes; upon the confirmation of an inclosure award now, even although that Inclosure Act had proceeded before the passing of last year's Act, we take the office fees under that Act of Parliament, the Treasury authorities having sanctioned the table of the fees. By the 5th section of the Act of 1866 it is provided that, "after the passing of this Act the Commissioners shall not entertain an application for the inclosure of a metropolitan common, or any part thereof; but nothing in this Act shall interfere with the carrying on, and completion of proceedings under any provisional order of the Commissioners confirmed by Act of Parliament passed before, or in the present Session; and notwithstanding any proceedings taken under any Act, other than this Act, or any provisional order of the Commissioners made, but not already confirmed by Act of Parliament, proceedings may be taken under this Act in relation to any metropolitan common"; therefore, any common within the metropolitan police district, the inclosure of which had been authorized by Parliament previously to the passing of the Act of 1866, undoubtedly goes on; but if we had been conducting an inquiry into an inclosure within that limit before the passing of the Act, but had not issued our provisional order, then that inclosure would certainly have had to stop.

137. Are you aware of the report of the Committee who inquired into the case of Wisley Common?—I have read it.

138. Does not that report propose to suspend the completion of the inclosure, conditionally upon the passing of the Bill which is now under consideration?—I am not sufficiently conversant with it to say; but I believe that you are right. I see that in the report it is stated; "if no progress should by the middle of June have been made with the Extension Bill, the Committee recommend that subject to the modifications hereinafter mentioned, the Inclosure Bill should be passed." Then the Committee suggest modifications of the provisional order.

139. Whatever expenditure has been incurred, including the fees in the recent action upon Wisley Common would be sacrificed by the promoters of that inclosure, if this Bill were to pass without any compensation?—No doubt.

140. *Chairman.*] What is the amount of the fees?—I should think that they may be 12 *l.* or 15 *l.*; I think not more, the average costs of all inclosures in preliminary inquiries are under 20 *l.*, but I certainly should not return the money to the people in Wisley; I should keep it, because I have incurred the expenses; I should not return the money except the balance.

141. Mr. *Bonham-Carter.*] Are you aware that the departmental expenditure bears a very small proportion to the cost of carrying out the inclosure?—Certainly.

142. Would not the whole of the expenses already incurred be sacrificed if the inclosure of Wisley Common was given up?—I understand the object of the question of the honourable Member. The parties have incurred an expense of 12 *l.* or 15 *l.* in the office; but they have incurred a certain expenditure, of which we at present have no knowledge or cognizance; there are always preliminary expenses.

143. Are not all the accounts of the valuers submitted to you?—They are submitted to the landowners, and they come to us afterwards.

144. Are you not aware that the accounts which pass through the hands of the valuer for an inclosure, are usually many times the amount of those which are departmental?—Yes; it depends upon the size of the inclosure; there are the formation of public roads, and other things.

144*. And whatever outlay has been already incurred would be sacrificed, supposing that the suspension of Wisley Common from the Schedule in the Act, in the early part of the Session, was continued, and that Wisley Common was excepted?—There is no doubt that whatever has been expended upon that inclosure of Wisley Common will be lost to the parties; but our departmental portion of those expenses will be very small.

145. Sir *Henry Selwin-Ibbetson.*] The Bill which has been referred to us is an extension of the Act of 1866?—Yes.

146. You said in the beginning of your evidence, that you considered that the Act of 1866 was essentially imperfect in its machinery?—I think so.

147. Then you doubt the policy of passing a Bill extending the machinery under which you have found that the Act cannot be properly worked?—I think that my answer was, that assuming that the Metropolitan Commons Act of 1866 to be still adopted for the purposes for which it was enacted, and also to be extended by the Bill now before the Committee, I thought that the machinery by which we had to administer it should be altered in certain respects.

148. You said that, in your opinion, this Bill which is now before us should contain alterations carrying out those recommendations?—Yes; I do

do not think that we can, with satisfaction to the public, work the Act as it now is.

149. With regard to the lammas lands, I think that you stated that it was only a partial enjoyment which the public had over them?—I do not think that the public can be said to have any right over lammas lands; that is to say, not over lands strictly occupied and used as lammas lands.

150. They would be, for a certain period of the year, open spaces?—Yes, for the benefit of certain people who could turn their cattle on; lammas lands, and open arable fields, or shack lands, are generally surrounded by an outside fence.

151. There are the same rights over those lands for a part of the year as there are over common lands during the whole year, are there not?—No; they vary. The rights of common over lammas and half-year lands, I think, vary in different districts, just as the cultivation of those lands varies in different districts.

152. You think that if those words were introduced into this Act, they would not be held to take in lammas lands which are cultivated for a portion of the year?—I think not. I think that it would be better to say that they are not to be included, provided that the Legislature do not intend it.

153. With regard to an open space which has been enjoyed, or frequented by the public, that, I suppose, would clearly give the right if the public had been tacitly permitted to use it for a number of years?—Yes. If the words had run somewhat in this way, "Any open space which the public has had the right of enjoying or frequenting;" I think that it would have been better.

154. This would be availing themselves, on the part of the Legislature, of the generosity of the owner as against him?—Yes; what you would call a permissive right (which I believe is the term in law) would undoubtedly be interpreted to be a thing which, by long usage and custom, had attained a legal validity.

155. I think that you have said that no question of compensation arose under the one inclosure which you have mentioned?—No such question arose; nothing of the kind arose in the proceedings before us, nor do I know that any such question is likely to arise. The scheme is drawn, as nearly as possible, in the words of the Act, namely, that it is not injuriously to affect any beneficial right.

156. As far as the Act of 1866 goes, you have had no practical experience in that respect?—Not as regards compensation.

157. *Chairman.*] You state that seven cases have been before you, and that no question of compensation has been raised in any one of them?—Yes.

158. Mr. *Knight.*] Previously to those cases coming before you, was an arrangement made with regard to those rights?—No, I do not recollect any such question in any of those cases.

159. Sir *Henry Selwin-Ibbetson.*] The only remedy of the landowner would be an injunction in the Court of Chancery to stay your proceedings?—He would probably move for such an injunction.

160. Do you think that his only protection should be a Chancery suit?—Is not that the case now? In the cases of one or two Inclosures the courts have been moved to stop us from going on.

161. That must be a very expensive proceeding on the part of a landowner?—If he goes beyond moving the court for an injunction it will undoubtedly become a very expensive thing.

162. With reference to what was stated with respect to the number of the commons in the south western district as compared with the other parts, have you any idea of the proportion of commons in the metropolitan radius; and whether they are more equally distributed over the present area than they would be over the future area or not?—Yes, to a certain extent. Taking the Metropolitan Police boundary, there is a little more land on the south west of London.

163. But not in the same proportion?—No, I think that the proportion would not be the same.

164. A number of landowners in the southern district would suffer under this Bill, whereas only a few would suffer if your suggestion was carried out?—Yes.

165. Mr. *Buxton.*] I understand that you do not deny that, in the neighbourhood of great centres of population, it is of great importance that open spaces should be preserved for the enjoyment and recreation of the people?—I do not deny that at all.

166. You acknowledge that that is an object of very great importance, and which the Legislature is quite justified in endeavouring to obtain?—Yes.

167. But you think that when you get to a considerable distance from any centre of population, the same motive does not hold good for keeping a large extent of country open?—I do not think that it does hold good; I think that what you want is to provide a daily or a very easy mode of exercise and recreation for that purpose.

168. As a matter of fact, there are enormous stretches of waste between 15 and 30 miles from London, are there not, especially in Surrey?—In Surrey there are particularly, and also, I think, in Berkshire.

169. May you not ride for 20 miles over waste land in some portions of Surrey and Berkshire?—I think that the honourable Member is better able than I am to answer that question.

170. You may be aware that, as a matter of fact, it is almost unknown that people come down from London, except possibly an individual, now and then for enjoyment upon those stretches of waste land?—I do not think that that is a general practice, or one which is very frequently adopted. There are certain great holidays when we know that the masses flock out of London, such as Whit Monday and Whit Tuesday, and a few others; but as a rule I do not think that the population of London requiring exercise and recreation go that distance for their day's enjoyment; they may do so sometimes. I think that where they go to a greater distance than is readily accessible, and that when they have to run by railway, they go to other places, such as places by the seaside and places which are objects of interest, rather than going down to an open common. We know that, to a certain extent, they go to Epping upon great holidays, and I believe that Epping is also used a good deal for ordinary exercise and recreation; I am informed so.

171. Is not Epping within an easy range of London?—Yes; there is a very large population upon

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upon that side of London, which I have no doubt have used it; to what extent it is now used I am unable to say.

172. But Epping offers great advantages in that way, namely, that it is very near to London?—It does.

173. Is it not also the fact that the Londoners will not go to any place where they will find the country quite wild, and where they do not find any accommodation for eating and drinking, and conveniences of that sort?—I think that probably upon those occasions when a great mass of people go down for their day's holiday to any of these distant places, they take their own provisions and hampers with them. I do not suppose that they look out for a hotel or a public-house which is capable of finding them refreshment.

174. The experience as to Epping would not apply to more distant places from London to which people would not be likely to run down, and which would offer no great attractions like the seaside?—I should say that the practice of using Epping for that purpose would not be applicable to other commons 25 miles from London.

175. Is it not the fact that in those wild parts of the country the peasants are very much less civilised, and are for the most part poorer, and more squalid than in the more highly cultivated parts?—That certainly was the opinion expressed in former days by a very great number of witnesses upon an inclosure inquiry, and I have had that opinion expressed to me now.

176. Would it not be for the advantage of the peasantry residing in the neighbourhood of a large expanse of waste land, if it were cultivated, and if there were an increase of wealth in that neighbourhood?—I certainly think so. I think that that is the argument (and a very good argument) which was held in former days, when the population and industry of this country first took that great rise, and when waste land began to be used. Soho, which is a great manufactory near Birmingham, I believe, was built upon waste land.

177. Is it not the fact that large tracts of land which were formerly waste land are now brought into cultivation so as to pay a large interest upon the capital employed?—There is no doubt that that can be proved. I do not mean to say that that land is necessarily brought into arable culture, but you can improve the nature of the herbage, and of the pasturage, and a portion of the land can be used for arable cultivation. Some of it may be used to great advantage for planting, and some may be used for building. In the neighbourhood of the metropolis many people have advocated very strongly the formation of what they call suburban villages. Now, if they are to be erected at a small cost, they must probably be placed upon lands not now inclosed, because you must give a very high price for inclosed land.

178. The fact that such immense tracts of land are now lying idle, large portions of which might be brought under culture, is so much loss, is it not, to the wealth of the whole community?—That is decidedly my view, and I think that it is a very great pity that so much of that land should be idle.

179. And the expense of obtaining private Acts, to inclose these separate commons, would in most cases be so considerable, would it not, as practically to render that inclosure impossible?—I think that the cost of obtaining a private Act for inclosures, during the existence of the Metropolitan Commons Act of 1866, or its extension by this Bill, would be very great, because I apprehend that any persons proceeding by private act to inclose during the existence of that Act, would probably meet with very considerable opposition. An unopposed Inclosure Bill in former days was, I think, calculated to cost the party 300 *l.*; if it was opposed of course we do not know what the cost might be.

180. You think that, upon the whole, the highly important object of supplying people in populous towns with places of recreation and enjoyment, and of getting access to country pleasures, would not be really obtained by the proposed Bill, and that the advantages which would be sacrificed are of a considerable kind?—I think that they are. There are two public advantages; there is undoubtedly the maintenance of open spaces near the metropolis for ordinary recreation, and on the other hand there is a great public advantage, of a national character, by facilitating, as much as you can, the inclosure of lands whereby their value and productiveness in every way are very much increased.

181. Do you not think that a reasonable course would be, that any spots which are of real value for the enjoyment of the people should be selected and still kept open; and that whatever other arrangements which were thought desirable might be made, there should be no attempt to obtain that end by stopping the inclosure of all this vast amount of waste land over such an enormous area?—That is the view which I ventured to suggest, namely, that there should be a different procedure from that which is now adopted under the Metropolitan Commons Act.

182. Mr. *Johnston.*] Were you not examined before the Committee of 1865, upon this question?—Yes.

183. Did not you agree with the principle of the Act of 1866, and suggest your office as the machinery for carrying it out, instead of having a special Board, as was originally suggested by the framers of the Act?—I do not remember making any such suggestion.

184. Are you not aware that the objection of the framers of that Act, to making the Inclosure Commissioners the authority for carrying it out, was that their leanings and antecedents were in favour of inclosure, and does not that fear appear to you to be justified?—No, I do not think so at all; I do not remember making that suggestion at all.

185. Are there not cases where the lord has no intention of inclosing, but will not take the trouble to defend the common against all sorts of trespass and disfiguration, but where the inhabitants are willing to take the management of it; and is not the Act of 1866 likely to be very useful in such cases?—It might be so; I had a gentleman with me a few days ago, who complained of the injury which was done to a very small piece of common in his neighbourhood, and I recommended his looking to the "Metropolitan Commons Act of 1866," and he said that he had never heard of it.

186. A great deal has been said about the large proportion of commons which will be taken in the south-west; are you not aware that that is also the district which is much the most thickly inhabited in the neighbourhood of London, taking the

the south-west of London generally?—I am not aware that the south-west of London is the most thickly populated.

187. Are you not aware that the land is much more valuable in that direction than in other directions?—I am not.

188. Are you not aware that land 20 miles off London, on the London and South Western line, is worth as much as land only ten miles off on the Great Eastern line?—By way of residential value, that very likely may be the case; I very often go down to Kingston, and I know that that line of country is very much frequented by those persons who wish for villa residences, and who wish to go backwards and forwards to business in London.

189. Does not that arise from there being more desirable residences there?—No doubt it is a very favourite side of London for people to go to and obtain houses, who wish to go backwards and forwards.

190. Have not the landlords in that direction been very much benefited by the increase of population?—I do not know that they have benefited by the increase of population; they have no doubt benefited by the increase of railway accommodation. The owners who have sold those lands for residences have benefited, no doubt.

191. Have they any right to complain that they are called upon to make provision for the benefit of the population which has quadrupled the value of their land, or much more than quadrupled it?—I do not see how that question applies.

192. The vast increase of population in that neighbourhood has more than quadrupled the value of the land in that neighbourhood; supposing that some of those landlords were called upon to make some sacrifice for the benefit of that population, would they have any right to complain?—If those are the same people to whom these open waste lands in that neighbourhood belong, I apprehend that, although they have an increase from other circumstances in the value of their land, there is no reason for taking away the further increase which they may derive to the value of their property.

193. *Chairman.*] But it is from the same circumstances?—Yes; but in one case it is that the increased metropolitan population have bought land of these landowners to erect their residences, and, on the other hand, the other increased metropolitan population is not going to buy any land of them, but are merely going to have the land left open for them to go down to, and walk about on.

194. Mr. *Knight.*] Do you know, as a fact, whether land within 25 miles of London, in Surrey, has been quadrupled in value or not?—I do not know about its being quadrupled in value, but certainly land on that line has been enormously increased in value.

195. Mr. *Johnston.*] For instance, land near Walton Station, which has been sold at 15 *l.* within living memory, is now sold at 300 *l.*, that is 20 times the original amount; you have laid down broad rules not to entertain schemes under the Act of 1866 so long as litigation is going on with regard to the commons to which they refer?—It is not quite so; we found, in the case that I have mentioned, that there was a distinct denial on the part of the lord of the manor in his Bill in Chancery that there existed any rights of common, and we said that we could not come to any other conclusion. We said that it was a question before a court which was competent to decide it, and, therefore, we said that we must hold our hands; and I think that if we had attempted to proceed, the lord of the manor, in that case, would probably have moved against us in the Court of Chancery for an injunction.

196. Is that the case at Plumstead?—No.

197. You had a scheme with regard to Plumstead, had you not?—I do not remember it. At Walthamstow we had one.

198. Mr. *Reed.*] Referring to lammas land, is there much lammas land near London?—I think that there are undoubtedly some lammas lands which are close to London; to what extent they are I cannot undertake to say, but in the north and east of London I think that there is a good deal of lammas land. There is a tract of land in London, namely, the London Fields, out towards Bethnal Green; there is no doubt that that is lammas land. I think that Hackney Downs are lammas lands, and I think that there is another small tract of land out there which is also lammas land.

199. You mean Hackney Marshes?—Yes.

200. I understood you to say that the public had no enjoyment of the lammas land?—I did not say that with reference to those lands in London. The honourable Member asked me the question whether the public did not use these lands after the crops were removed. My answer was that the public may perhaps go over them, but I do not think that they will very much do so with ordinary lammas land. At times of the year the rights of common which are enjoyed over lammas lands, and where they are open, are enjoyed by those persons who live in the neighbourhood of those lands. I do not think that the public would very much go upon them. There is generally an outside boundary fence, but that observation would not apply to such a place as the London Fields.

201. Are you aware that the London Fields are used by thousands of people every day over the common ground?—Yes, I am quite aware of that.

202. And that there are no fences?—No; the fences there are the houses round the land.

203. With regard to that land, and the land on the marshes, do you not think it desirable to protect those lammas lands for the benefit of the people?—There is no doubt that those lands, such as London Fields and Hackney Downs, should be dealt with in some way, and that they should not be allowed to remain in the position which they are now; they are in the centre of a very large population, and certainly some portion of them should be left as open ground.

204. Is it your opinion that clauses should be inserted in this Act protecting such lands from inclosure?—You must require the owners to become parties to the terms upon which they would agree to such a dealing with their property.

205. I refer to protecting those lands from inclosure without a special Act?—They could not inclose them now without a special Act, because they are certainly within the present radius, with reference to which we cannot entertain an application under the general Act. If the common right owners, say of London Fields, wanted to inclose those lands, and to allot them in severalty, I apprehend that they must either go to

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to Parliament for a private Bill or proceed under some of the other Acts relating to arable fields.

206. Do you think that there would be any practical objection to a provision that the word "commons" should apply to lammas lands?—As there is a right to shut them up for six or eight months in the year for a corn crop or a hay crop, I think that it is not desirable.

207. Are you acquainted with the provisions of the Act of Geo. 2?—I believe that that Act is still in force; I am not very well acquainted with its provisions.

208. In your opinion, should such lammas lands as have been open to the public for many years, such as the London Fields, be protected from inclosure?—I do not think that it would be advantageous that, situated as the London Fields are, all that land should be built upon, but in dealing with it you must consider those to whom it belongs.

209. Sir *Henry Selwin-Ibbetson.*] And in dealing with it you must also include all the lammas lands over the country?—Yes; no doubt, the custom of lammas lands varies in certain localities.

210. Mr. *Samuelson.*] You have said that you think that the addition of these words to the interpretation of the word "common," namely, "and any open space which has been enjoyed or frequented by the public for not less than 20 years before the passing of this Act," might possibly be considered to make the Act apply to the Royal Parks?—I think that possibly it might, but practically I think that it would have no such effect.

211. Would not the fact that the parks are not thoroughly open to the public at all hours prevent that application; if the public are excluded at certain hours, can the parks be said to be open to them?—Yes; they are open to the public in the daytime; it is under regulation, and being in the neighbourhood of a large population, the regulations are extended to the night; whether, or not, the parks are altogether shut at night, I am not aware, some are not; the Mall is always open in the night.

212. Do you think that the same objection would apply to words like these, "enjoyed or frequented by the public as of right, without restriction"?—I think that that, perhaps, would make it more definite; but it is very difficult at the moment to give an opinion as to the words which should be introduced in a Bill before Parliament; framing an Act of Parliament is a thing which I have found, more or less, requires consideration.

213. Do you not think that it is the case that the health of the metropolis is very much benefited by the air which circulates over these uninclosed spaces around it, even apart from the advantage which the poor may derive from exercise thereon?—There is no doubt that there is an advantage from letting the air circulate through.

214. And therefore, do you not think that it would be a great disadvantage if those spaces should be inclosed, and, perhaps, sold for the purpose of erecting factories, and be used for purposes which might render the air impure?—Within a certain distance of the metropolis, I think that it is extremely desirable that those spaces should be kept open; but I think that there is a more satisfactory way of doing it than under the Metropolitan Commons Act.

215. Is it not the case that the lords of the manor obtain very little benefit from the commons?—Undoubtedly they do not enjoy any very large amount of benefit from the commons in the neighbourhood of London, but still the soil is theirs.

216. Is it not the case that if the soil is inclosed and is used for building purposes, they will enjoy enormous benefits?—Undoubtedly they will; no doubt they would obtain a large profit upon the selling of that land for building purposes. At the same time the metropolis is likely to increase in population; you cannot stop it, and you want more houses; and if the land which is available for building houses for the population of the metropolis is to be very much circumscribed, you must raise the price of land which is available in the market for that purpose.

217. While the lords of the manors have certain rights on these commons, have not the public on their side certain rights also which are equally well defined?—Not equally well defined.

218. But have they not a prescriptive right?—No; it is merely a permissive right. I cannot say that the public rights are quite so well defined as the lord's right is.

219. Would it not be for the public advantage, if these commons were inclosed at all, that they should only be inclosed as allotments for the poor?—If the land was bought, those who bought it would undoubtedly be able to use it.

220. Instead of allowing it to be sold for building, in which case the lords of the manor make enormous profits, might they not be compelled to sell it at a very small price if it was to be inclosed at all?—Then at what price would you sell it to those who were to have it, and for what purpose would they be allowed to use it?

221. For garden allotments?—I have no doubt that in many cases that would be a very advantageous use, provided the land was sufficiently near. You cannot expect the population of London to go out 25 miles to cultivate an allotment after a day's work.

222. I did not refer to the population of London, but to the population surrounding the commons?—A labouring man would buy his little allotment out of that common of 100 acres, and when he has bought that, what is there to prevent his building upon it? He has bought it with his own money, and it is his own property.

223. Mr. *Winn.*] Is there a sufficient population round any of these large commons to enable the people to use the land as gardens, even if it was allotted to them?—In some cases there may be, but not in all.

224. Take the large commons to the south-west of London?—There is certainly not sufficient population to use the whole of the land as garden allotments.

225. It has been said that the land has been largely increased in value in the neighbourhoods of those commons, from the building of villas and residences?—The value of the land in the south-west part of the country from London has, no doubt, largely increased in value, but I intended to say, and I think that I said it, that that increased value arose more from the facilities of reaching the land by railway, and that there was therefore given to it a residential value. I do not think that that increased value has arisen from

from the fact of there being the open and uninclosed lands to the south-west of London.

226. Is that the reason why these large spaces should be left open after the land has increased in value?—No, I have already said that I do not think that that is a good reason for leaving the land uninclosed.

227. The people who have built these villa residences, I suppose, are not the persons who would use these commons if they were left open?—I imagine that a great many of them would not have any interest in these common lands.

228. They have not been in the habit of using those recreation grounds?—No; there may be some few who have done so; but it is not the residents in villas who use these commons very much. Of course, if a common is inclosed it will somewhat detract from the pleasantness of some of these villa residences; that may be the case, but I do not see that because I have a villa residence, which, perhaps, I hire, I have, therefore, a right to complain of the common near me being inclosed, and so enabling my neighbour to increase the value of his property.

229. With respect to the lammas lands, I understood you to say that they were usually inclosed lands, and not lands over which the public had been in the habit of going?—I should think that in the majority of cases the public will not have used the lammas lands very much by going over them, except upon defined public footpaths. Lammas lands are almost necessarily shut for six months in the year, that is, where they are cultivated either with arable cultivation, or for hay. Such an observation would not apply to the London Fields. The lammas lands are both arable and meadow; they are owned in severalty for a part of the year. I hold that a person who has a right to shut up the land and to cultivate several acres of that lammas land, owns that proportion of it in severalty for so many months in the year.

230. Of course, if that land were allotted, it would be allotted with the public footpaths?—Certainly; the consideration of the public rights of way, footpaths, and roads, is always a part of the first duty of the valuer in dealing with an inclosure.

231. Mr. *Knight.*] Can you see any reason why the lord of the manor should not enjoy the increase of the value of his land, from the increase of the population in his neighbourhood, as well as any other landed proprietor?—It follows, as a matter of course, that he does, and I see no reason why you should take any steps which should prevent his increasing it more. I do not see why you should interfere with the productive employment of land any more than you would interfere with the productive employment of capital in any other way. I think that it is a public advantage that land should not lie idle; that is my view, subject to the observations which I have made, as to the desirability in the neighbourhood of the metropolis of keeping open certain spaces.

232. Much of that open land in Surrey, on the south-west of London, is of very little value as agricultural land, is it not?—At present I believe it to be of very little value; but I am informed by those who are acquainted with it, that it is capable of being made very much more valuable, perhaps not so much for arable cultivation as for increasing the value of the pasturage and the herbage. I have a further proposition which I wish to make to the Committee upon the subject of the alteration in the Inclosure Acts, which I consider is applicable to the subject into which they are inquiring. I wish to draw the attention of the Committee to what are called the regulated pasture clauses under the General Inclosure Act. Under the General Act there is a power, when an inclosure is authorised by Parliament, for two-thirds of the parties in value to apply that the land shall not be inclosed, in its ordinary sense; that is to say, allotted and divided, but shall be set out as a regulated pasture; and, therefore, under that provision the land is not cut up, and divided, and fenced in various ways, but it remains open, and the rights of common over it are regulated by the award. If a man has been turning on before 16 animals, the award perhaps gives him 10. As the Act now stands, there is a difficulty, where people wish to make a regulated pasture of the waste of a manor, in applying to us for a regulated pasture; they must go through the process of applying to Parliament for an Inclosure Act, in the ordinary sense of the word, and then at a certain stage they may apply for a regulated pasture. I think it extremely desirable that provision should be made to enable those parties to apply to us *prima facie* for the conversion of that waste of a manor into a regulated pasture. I should say that this application should be accompanied with the same provisions as an application for an inclosure.

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233. *Chairman.*] This bill proposes to extend the area within which your jurisdiction is excluded?—Yes; but I say, if you do that, let the people have the power to apply to us, not for an inclosure, but for a regulated pasture. That is under the 113th and following clauses; they would require some little alteration.

234. You think that such a scheme as that might be a compromise for the public?—Yes, *quâ* keeping the land open, so that it could not be built upon. The case which has been put by an honourable Member as to keeping the ground open for air, and so forth, would be met, and there might be other provisions which I am not now prepared to lay down or define. I think that that would apply to some of the commons in the neighbourhood of London. I remember people coming to us once from Wandsworth, and asking us whether we could allow a regulated pasture to Wandsworth Common; it was about four or five years ago, and we said we could not.

235. Mr. *Knight.*] Cannot the owners of a regulated pasture fence against each other?—No, the soil becomes theirs, but they cannot fence.

236. Mr. *Winn.*] They are common rights?—Yes.

237. Mr. *Johnston.*] I will call your attention to a passage in the Report of the Committee on Open Spaces in 1865. Mr. Wingrove Cooke stated that the Inclosure Commission Office has great facilities for carrying out the objects which the Committee may have in view; has your attention been called to that passage?—I do not remember it; we have the powers and machinery applicable to the matter, but I think that our powers are too much restricted.

238. Mr. *Bonham-Carter.*] If I understood your proposal rightly, it was that in certain directions where commons now exist, the best way of fulfilling the objects which appear to be in view in the case of the Metropolitan Commons Act, was by selecting particular commons, and operating upon those

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those commons so as to preserve open spaces?—Yes.

239. Under the Act, I think that you have now no power of making an arrangement by which a part of the common can be sold; the schemes do not provide for sale?—They do not.

240. Are you aware that in the case of Wimbledon Common, Lord Spencer proposed to sell a portion of it?—Yes, under his private bill.

241. Am I to understand you that in your proposal you would take the whole of the common, or should you think it desirable to make a provision by which what might be deemed to be a sufficient portion for a park, or open space, should be reserved, and the remainder might be sold for building purposes or otherwise dealt with, which power would perhaps enable you more fully to carry out the object by the increased value of the remaining ground?—I think that in the case of the parties who might apply to us under such a provision as I have suggested, power should be given to them to sell as much of the land as might be necessary to defray the expenses of obtaining the provisional order and the sanction of Parliament. Supposing for instance that the Metropolitan Board of Works applied to us for some such scheme, to arrange with the lord and the commoners, and that they had expended 300 *l.* or 150 *l.*, I think that they should in that scheme be authorised to sell as much of that land as would defray the expenses of the application, including compensation which they may have to pay.

242. The question appears to be, how best to satisfy the requirements of the metropolis in an inclosure with no undue infringements of private rights; if a park of 200 or 300 acres was set out in one of these large commons, and dedicated for ever to the public, and was subject to proper arrangements and care, would not the immediately surrounding land be very much enhanced in value for building purposes?—I should certainly expect to hear that it was.

243. And might not some such arrangement as that be feasible, which in the same way would effect the object in view under the Metropolitan Commons Act consistently with no great sacrifice, if any, by the lords and the commoners; take a large common, the whole of which it might not be desirable to dedicate for ever as an open space to the public, would it not be desirable to provide for taking a portion of that common as a park and enabling the remainder of the common to be inclosed with the result of a greatly enhanced value of that portion which was not a park or common to be thereafter dedicated to the public?—If I understand the honourable Member's question he would propose, having taken a common of 150 acres, to apply 100 acres for a park or space to be kept open, and to sell the other 50 acres with the view of preventing the enhancement of the value of the neighbouring land.

244. Mr. *Knatchbull-Hugessen.*] Do you see anything in this Act which prevents the sale of a portion of the land?—Yes; because the 6th section of the "Metropolitan Commons Act of 1866" says, "A scheme for the establishment of local management, with a view to the expenditure of money on the drainage, levelling, and improvement of a metropolitan common, and to the making of bye-laws and regulations for the prevention of nuisances, and the preservation of order thereon, may be made under this Act;" I doubt very much whether we should not be exceeding our jurisdiction, if we put into our scheme a power of selling 50 acres of that land in any way.

245. Have you taken a legal opinion upon that point?—No.

246. The question has not been raised before you?—It has not.

247. Supposing your view to be right, do you think that an alteration in the Act, giving the power which you think would be right, would be an advantageous alteration?—I think so; in the scheme which I have ventured to suggest to the Committee, I think that there should also be a power to lease from the lord and the commoners.

248. Mr. *Bonham-Carter.*] Are you aware that in inclosures which come under your cognizance, it is a very common practice to sell a portion of the inclosed land for the purpose of the expenses?—It is very common.

249. Have you any knowledge whether the portions of land sold for that purpose fetch or do not fetch an increased price, much beyond the original value?—I am not able to answer that question; I do not know the value which the land may fetch after it has been bought, and after we have conveyed it; we do not know what is done with that land afterwards.

250. Does not the valuer in his report to you, return the acreage which is sold, and the amount which is obtained for that acreage?—Yes; he reports the value for which he has sold the land, but I cannot speak of the increased value of it afterwards.

Mr. Benjamin Scott, Chamberlain of the City of London; called in, and Examined.

Mr. *B. Scott.*

251. *Chairman.*] You reside, I think, at Weybridge, in Surrey?—I do.

252. Which is about 19 miles from London?—It is about 19 miles by railway from London.

253. You are very well acquainted with that neighbourhood?—I am.

254. And also being especially connected with the City of London, you are very well acquainted with the metropolis?—I have been acquainted with the City of London for more than 40 years.

255. I believe that you were examined as a witness before the Committee which sat this year upon the subject of Wisley Common?—I was examined before that Committee, but I do not attend to add to the evidence which I gave upon that occasion, as it is in print, but I rather propose to speak upon the general question of metropolitan inclosures.

256. I believe that you have given a good deal of attention to the subject of the population, and the statistics of London generally?—Yes; I have published a book upon that subject.

257. Have you also had your attention drawn to the necessity and importance of open spaces being reserved in the neighbourhood of the metropolis?—I have taken a great deal of interest in that subject since the year 1865, when my attention

attention was first very forcibly drawn to it. I had occasion to visit, on one Sunday morning, a brother who lived in the region of Epping Forest, and so great was the crowd, on a fine morning early in October, that I was detained for three or four hours before I could obtain a seat in any carriage to convey me down to the Forest, so large was the number of persons, men, women, and children who were finding their way down to the open spaces in the neighbourhood of the Forest. It was at the time when the blackberry season was at its height; that was the attraction at that particular time. My attention was then drawn to a matter to which I had not at all given attention before, namely, the very great desire existing in the minds of the working and trading classes to get out of the Metropolis, not into a park, not into Victoria Park, but to get out into some open space where some traces of nature remained undisturbed, and where they might enjoy the delights which nature affords.

258. Was the wildness of nature always the attraction, or was there anything peculiar on that particular Sunday?—I found that it was more particularly from that time, being the blackberry season. I made it a point to mingle and converse with many parties of them, and I found that it was the wildness and the openness of the forest which brought them out. They carried their provisions in handkerchiefs, and they partook of them under the trees, without the interference of anybody to find fault with them, which, of course, is the case in the parks.

259. Are you familiar with the provisions of the Act of 1866?—Yes; I am tolerably familiar with those provisions.

260. In your judgment, might that Act be advantageously amended in some particulars?—I am of opinion that it requires amendment in three particulars, in order to make it more useful to the Metropolis. In the first place, some definition of the word "common" is required, so as to include all open spaces. For very many years spaces have been frequented by the public which, I believe, are not commons in law, but are commons in fact. In the second place, I think that the limits of the operation of the Act should be somewhat extended; I am not prepared to say precisely what should be those extensions, but I am sure that it would be very beneficial to the Metropolis that the limits should be extended, which are described by a very irregular line now. In the third place, I am very strongly of opinion that some further publicity should be given upon the introduction of a scheme to inclose a common, so that persons in the immediate neighbourhood should be made aware of any such application being made to Parliament. In the case of Ockham and of Wisley, I found that none of the inhabitants of the neighbourhood knew of any inclosure being proposed. As in the case of railway Bills, I think that all parties should have public notice. Those are the three points upon which I propose to give evidence to the Committee.

261. In the first place, you say that you think that some further definition of the word "common" is required; can you illustrate that?—In the neighbourhood of Weybridge there are several commons which are very largely frequented by the people in the neighbourhood and by the inhabitants of Weybridge, and none of those commons are protected by this Act. The neighbourhood petitioned with reference to Wisley Common. They petitioned again when there was a question of open-spaces raised under the Educational Endowment Bill, and they succeeded; they did not petition again in the present instance, because they thought that my appearance here was sufficient. Weybridge has a common of 75 acres, Walton-on-Thames has a common of 200 acres, and Byfleet has a common of 40 acres. There are certain rights of the poor over those spaces, but they are not strictly commons; they are portions of commons which have been inclosed, which were allotted to the poor. In the year 1800 Acts were passed with relation to all those three commons which I have mentioned. Under those Acts the lords of the manors were compensated with portions of land; the commoners also were all compensated, and these portions were left open for the use of the poor, that they might cut fuel as they had been accustomed to do. They are now, I believe, called, in legal language, "poor's lands," but I contend that they have been designedly dedicated to the use of the parishes and the neighbourhood. In point of fact, they have been open from time immemorial, no doubt from the Conquest. The lord of the manor has been satisfied, the commoners have all been satisfied, and the people in the parish have been satisfied in respect of their rights; and there is now no other owner of these lands, except a very limited number of poor persons, who rent cottages of 5 *l.* value.

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262. Was there any power in the Inclosure Acts to inclose these portions which were left open?—There were powers to set out and ring-fence them, and powers to sell portions of the land for the purpose of fencing; but the Commissioners 70 years ago failed to fence; the poor have never made any attempt to fence, and the trustees of the poor, of whom I am one, in Weybridge have never made any attempt to fence. The land is as open as a public road, and designedly left so by all parties. Therefore I contend that they were portions of large open spaces which were left divested of all other rights, and the poor have only a right of cutting fuel upon them.

263. Mr. *Winn.*] Who gets any benefit from them now?—The poor, under the Act of Parliament of 1800, still cut heath and furze, and the Scotch fir trees, which grow self-sown on those wastes. They cut them and consume the wood in the winter time. In the case of Weybridge, and also, I think, of Walton, there has been a scheme to regulate the cutting, and it is let to a baker or some person who wants that kind of fuel, and the proceeds are distributed. The fuel fetches 30 *l.*, 40 *l.*, or 50 *l.* a year. We are of opinion, in our neighbourhood, that those spaces are extremely beneficial for the neighbourhood, and for the poor and their families to ramble upon. On Walton Common there is a very extensive convalescent institution placed there for no other purpose than to allow the convalescents from the hospitals to have free range over that waste or common; and I am of opinion that, as those places are within three-quarters of an hour to an hour from London, they are very desirable places for the teeming population of London occasionally to visit, and to obtain fresh air and recreation; and therefore we submit that this is an opportunity upon which Parliament might introduce, in some form or another, a protection for these commons, so that they should not

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be ruthlessly given away or sold; as we feel that another common in the neighbourhood has been made away with; I contend that these are open spaces which should be freely enjoyed by the public without restriction.

264. You have stated that there are four commons; you have mentioned Weybridge, Walton, and Byfleet; which is the fourth, is it Egham? —I refer to the common at Egham, a little further down the South Western line; it was a common of 280 or 300 acres in extent; it was referred to by Mr. Erle, the Charity Commissioner, in his evidence, in 1865, before the House of Commons Committee on Open Spaces (Metropolis). Mr. Locke King asked him this question, "Will you state what occurred in the case of Egham?" in answer to which he said, "It was represented to us in the strongest terms that the whole of the land at Egham was producing no benefit whatever which had been allotted to the exclusive use of the poor. The trustees, and a large number of influential parishioners, represented to us, that a sale of the land would be much more beneficial to the poor, who got comparatively nothing for it as it was, and they asked for our authority to sell the land: we enabled the trustees to sell the land, if they should think proper, and they did sell it." Then he is asked, "Do you know the extent of the land that was sold?" and he said, "The Inclosure Act authorised an allotment of from 280 to 300 acres to the poor; it is by far the largest quantity which has been dealt with in that way, and it produced about 7,000 *l.* on its sale." Then he was asked, "Was there a unanimous feeling on the part of the inhabitants in favour of the sale?" and his reply was, "I think we had no strong objection to the sale, and all the trustees were, I believe, quite in favour of it." There was also a reference to the land at Weybridge, upon which Mr. Locke King requested an opinion; Mr. Locke King asked the question of Mr. Erle, "Have you any reason to know whether the poor were anxious for the sale of land at Egham?" Mr. Erle's answer was, "I do not remember that they made great objection." The next question is, "You would recollect that, in a similar case, when it was proposed to inclose at Weybridge, the poor were thoroughly opposed to it?" The answer is, "Yes; we received a representation convincing us that it was undesirable in that case to exercise powers which are discretionary, and we refused to do it." The next question is, "You found that the poor were desirous of having it left as an open space?" To which the answer is, "Quite so; and we were glad to find that we were justified in leaving it alone. It is not a power that we have any desire to exercise, unless, according to the best of our judgment, this was required."

265. *Chairman.*] The land there was sold for 7,000 *l.*; do you know who bought it?—No; I always understood that the neighbouring landowners had it offered to them, and that they took it.

266. When was it sold?—In or about 1863 or 1864. I am not a resident of Egham, and therefore I am merely speaking of what I have heard in the neighbourhood; I do not speak from personal knowledge as I should in the case of Weybridge.

267. Have you formed any opinion as to whether or not an adequate price was given for that land?—I was very much surprised to read in 1865, that the land was sold for 7,000 *l.*, I considered it worth a great deal more money. It is not first-class arable land, but it is a very pretty land, with a good deal of timber, and it is very prettily situated between the town of Egham and Sunningdale, which is a very picturesque place, and Virginia Water; it lies between those places. I should have thought that that land was then worth 100 *l.* an acre; it is worth a great deal more now.

268. Mr. *Winn.*] I suppose that you do not know who bought that land?—I understood that it was bought by the neighbouring landowners.

269. In lots?—Yes.

270. *Chairman.*] Was it put up to auction?—It was not; I have always regarded it as a most desirable open space, within a hour and a quarter's ride of the Metropolis.

271. Mr. *Winn.*] Who sold that land?—The trustees of the poor, under the sanction of the Charity Commissioners, as Mr. Erle stated in his evidence in 1865.

272. *Chairman.*] Is this an example of the evils against which you wish to provide?—Yes; and it has caused a doubt with regard to the remaining common. We fear that any one of these open spaces may be one day sacrificed without coming to Parliament for an Act. I may tell the Committee how the proceeds of the 7,000 *l.* have been applied. From what I hear, they do not do much good in the neighbourhood. I should say that the charity produces about 254 *l.* a year, and the Virginia Water district receives 40 *l.* a year for the poor; Sunningdale receives 10 *l.*; Egham parish receives 30 *l.*; the Dispensary at Egham receives 25 *l.*; Englefield Green National Schools, 15 *l.*; and the clerk for managing the charity, 5 *l.*; that makes 125 *l.* a year. The balance is accumulated for the formation of a building fund, and afterwards to maintain the boys, girls, and infants' school in Egham. With respect to the doles to the poor, it is hardly necessary for me to say, that not much good is done in that way with the money. The public would have been very much more benefited by having a free range over this ground with their families as was intended when it was appropriated and left open to them.

273. Then your judgment upon this matter is, that it was an unadvised arrangement altogether? —Yes; I am clearly of opinion that it was a sacrifice of a very valuable open space near the Metropolis, and that if it was desirable to deal with it, it should have been dealt with by Parliament.

274. Mr. *Winn.*] Is it within the 25 miles radius?—Yes; it is between the 20 and the 25 miles radius.

275. *Chairman.*] Then it is without the limit of the existing Act?—Yes.

276. But it is within the proposed extension? —I think so. Had it been within the limits, and had it been dealt with after this Act passed, it must have come as a special scheme before Parliament, and the rights of all parties would have been considered, and the value of the land would have been provided for by public sale; and I do not think that the inclosure would have taken place under such circumstances.

277. Is

277. Is any recreation ground reserved?—I believe not; there is nothing in the scheme relating to it. I have been told by an inhabitant of the parish that when the inclosure of the common took place, it was allotted so far from Egham, that the poor did not take recreation on it. That is an abuse of the Inclosure Act; the Commissioners appointed by the Act allotted the land for the poor at the furthest extremity of the parish from the town, so that it required a considerable walk to get to it.

278. Mr. *Winn.*] Was there any particular reason for that?—I am sorry to say that in every act of inclosure which I have looked into connected with our County, it is the same; it is the same at Weybridge, and at Byfleet, and at Walton-on-Thames.

279. I understood you to say that it was for cutting turves?—Whether it was for cutting turves, or whether it was intended that the parties should have access to the land for recreation, it has been in all cases reserved in an inconvenient portion of the parish furthest from the residences of the poor.

280. *Chairman.*] Can you state the dates of those Inclosure Acts?—The Inclosure Acts for Weybridge and Walton-on-Thames, and Byfleet, were all passed in 1800; the other Act was in the 54th year of George the Third.

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Monday, 5th July 1869.

MEMBERS PRESENT:

Colonel Barttelot.
Mr. Bonham-Carter.
Mr. Buxton.
Mr. Thomas Chambers.
Lord George Hamilton.
Mr. Andrew Johnston.
Mr. Knatchbull-Hugessen.
Mr. Knight.
Mr. Henry Samuelson.
Mr. Frederick Stanley.
Mr. Rowland Winn.

THOMAS CHAMBERS, Esq., in the Chair.

Mr. Benjamin Scott, called in; and further Examined.

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281. *Chairman.*] You were saying on Thursday last, when you were examined before us, that you had, from circumstances, been induced to turn your attention very much to the expansion of the Metropolis, and the growth of its population?—Yes, I have.

282. Have you any evidence upon that subject which you would like to lay before the Committee?—I would wish to lay a few figures before the Committee, respecting the increase of the population as reported by the Census Commissioners in 1851. Those Commissioners went very largely into the subject of the population, and the rates in which it was increasing in the Metropolis, and from their figures, I am enabled to give the following evidence, with regard to the population of the Metropolitan Police District (that is the district marked pink on that map), including about 15 or 16 miles on the average from Charing Cross. In 1801 that population was 958,000; in 1811 it was 1,138,000; in 1821 it was 1,378,000; in 1831 it was 1,654,000; in 1841 it was 1,948,000; in 1851 it was 2,362,000; in 1861, the next decennial period on a somewhat enlarged district, a few parishes having been added, it was 3,222,000; in 1871, the next census period, the population (calculated on the same ratio of increase as has prevailed since 1801), will be 3,854,000, that is nearly 4,000,000. Calculating at the same ratio, which has been very constant indeed all through the period, namely, the ratio of 19·6 per cent. for every decennial period. that is to say, nearly 20 per cent.; in 1891 the population will be 5,513,000; in 1911 it will be 7,886,000; and in the census of 1921, which will be just 52 years hence, there will be 9,532,000 persons; that is possibly within the lifetime of some of those gentlemen who are now present, Fifty-two years is no very extended period for statesmen to look forward to, and at that period there will be 9,500,000 persons, within the Metropolitan Police area, assuming that the population increases at the rate of 19·6 per cent. every 10 years; and indeed the population of London will then be equal to rather more than one-third of the population of England and Wales at the present time.

283. Mr. *Winn.*] But not of the population to that time?—No, but of the population at the present time. There will be crowded within those limits, according to the ratio of increase, which has been very constant for 50 years past, a population equal to one-third of the inhabitants of England and Wales at the present time. Then, I wish to put before the Committee some evidence from the same Report of the Census Commissioners of 1851, respecting the "Density of population," and the increasing proximity of their dwellings, which is a very important matter to look to, with reference to providing fresh air for the people, or securing to them not less than now exists. As regards the "Density of population," there were, on an average, in 1801, nearly 394 square yards of land to every person in the Metropolis. This had fallen in 1851 to 160 square yards, being much less than half. In the half century the amount of land divided between the population had been reduced by considerably more than half. Then, as to the "Density of the dwellings" of the people, there were, on an average, in 1801, 2,784 square yards to every inhabited house in the Metropolis. This had fallen in 1851 to 1,234 square yards, being much less than half. As regards the "Proximity of the houses," a calculation has been made, that on an average the mean distance from house to house in 1801, distributing the houses equally all over the Metropolis, was 57 yards. This had fallen in 1851 to 38 yards.

284. You mean throughout London?—Yes, over the Metropolitan Police District. Then, as regards the "Proximity of individuals," the calculation is that, on an average, the mean distance of one person from another, placing them as soldiers would be posted, was, in 1801, 21 yards. This had fallen in 1851 to 14 yards. I have not had time to make a detailed calculation of what would be the proximity of dwellings and individuals at the present time, but I am now speaking of that which was in existence 18 years ago. In 18 years a very considerable change has taken place in the same direction, and I may say that if a calculation were made at the present time, it would be shown that both as regards houses and individuals, there is a considerably increased proximity. I calculate that in about 32 years, supposing that the same causes went on operating without any check (which I do not anticipate), houses would

would be, in fact, touching one another. The natural effect will be, not that persons will remain building in that district until that result is brought about, but that they will crowd out into the surrounding districts; and that is the principal reason why I urge upon the Committee the importance of extending the area of protection of open spaces, because 32 years hence, and long before that period, there will be a considerable demand for space for building outside the area which is protected by the Act of 1866. If the Committee will allow me, I will put before them diagrams by the Census Commissioners of 1851, in order to show upon paper the increased proximity of persons and dwellings between 1801 and 1851. (*The Witness produced the same.*) It is impossible to represent upon the same scale the existing proximity of individuals or of dwellings.

285. *Chairman.*] Have you considered the protection of the present Act as regards the map, so as to show how the Metropolitan Police District is situated with reference to the present limit?—(*The Witness referred to the large map exhibited.*) The Committee will see that it is not a uniform district; it extends protection rather more to the west than it does to the east. The outer circle, which is described on the map, represents a circle of 20 miles from the centre of London; the inner area, coloured pink, represents the Metropolitan Police District, which is identical with the limits of Commons' protection; it will be seen that it protects rather more on the western side of London than it does on the eastern side. The boundary is also very irregular north of the Thames; it extends to 20 miles, whereas south of the Thames it extends only about 16 miles. North of the Thames, in Middlesex, it extends to the extreme bounds of the parish of Staines, which touch, or very nearly touch, the 20 miles circle; they touch it within 200 yards. South of the Thames it is 16 miles, and in some parts it falls to 15 miles; and in others it is rather more than 15 miles from Charing Cross to the boundary. I thought that it would be desirable and fair to the Metropolis, that whatever the limits prescribed, or protected were, they should be to some extent uniform, and that perhaps the geometrical circle described on the map would be more equitable than the arbitrary limits of the Police District.

286. Mr. *Winn.*] Would it not be more important to have the limits with reference to the railways, because it might be more convenient to have a place 30 miles off, it it was conveniently situated with regard to railways?—That is a point which I have not myself considered, but it is a point which is worthy of consideration; but railroads are continually extending, and will very soon cover the whole of that district like a network. There is another statistical table which I wish to place before the Committee. The Census Commissioners in 1851 gave the relative "Proximity of the population" in the 11 census districts of England and Wales, and it will be seen that the Metropolitan District has a density of population which is quite unparalleled in any other part of England. The proximity of persons as to the distance of one person from another would average in

Wales	157 yards.
Northern division of England	142 „
North Midland division	128 „
Eastern division	127 „
South Western division	124 yards.
South Midland district	120 „
South Eastern district	118 „
Yorkshire district	107 „
West Midland district	100 „
North Western division (Lancashire and Cheshire)	67 „
London (the Metropolitan Police District)	14 „

So that the scale runs from 157 yards down to 14 yards, the latter of which is London, and which is considerably below any other district on the list. The object is to shew that London is the most necessitous district in this respect, and therefore should be treated exceptionally, as it has been treated by former legislation.

287. *Chairman.*] You have incidentally alluded to the circumstances that persons are likely to go to a greater distance from London to reside in consequence of the pressure of population; I believe that the recent Reform Act has acknowledged that circumstance in having extended the limit?—Yes; the Act for the Amendment of the Representation of the People, which was passed last Session, extended the limits for voting in London from 7 miles to 25 miles from the place of voting, and that was done avowedly by the House of Commons upon the speech which was made by Mr. Crawford, who showed that at the passing of the first Reform Bill, seven miles might be travelled in about an hour by the ordinary road conveyance, but that now a person could go out 25 miles in an hour; upon that reasoning Parliament extended the limits of residence of voters in the City from 7 miles to 25 miles from London. The same argument will apply as to reaching the Commons. Any one can reach them now within 20 miles of London by an ordinarily quick train in an hour from the centre.

288. In your judgment, would an extension of the radius to a distance of 25 miles be a reasonable extension for the prospective wants of the Metropolis for some time to come?—I think that it would be very reasonable, and I think that in all probability an extension to 25 miles would suffice for half a century. I am not contending for an absolute radius of 25 miles. I think that that is a matter which may be very fairly considered with reference to Commons and open spaces; but even an extension to 23 miles would be a very great boon to the inhabitants of London if they could have these open spaces protected by special legislation.

289. You are aware that formerly the policy of Parliament was to encourage inclosures for improving the cultivation of the soil?—Yes, that was the invariable policy; I see by all the Acts that it was so. The Act of 1836 was "An Act for facilitating the Inclosure of Open and Arable Fields in England and Wales," and the preamble of that Act says, that "it would tend to the improved cultivation and occupation of all the aforesaid lands within such parishes," and so on, cultivation is dwelt upon. The Act of 1854 recites, that "it is expedient to facilitate the inclosure and improvement of commons and other lands now subject to right of property which obstruct cultivation, and the productive employment of labour." In the Act of 1852 there was something like a reversal of the policy; there was a restriction in the first clause of that Act with

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regard to wastes of manors being inclosed. Some additional restrictions were placed, marking, as it were, a turn in the tide. The first clause of the Act of 1852, putting it briefly, provides that no lands are to be inclosed without the previous authority of Parliament; the words are, that "notwithstanding the provisions in the said firstly recited Act, it shall not be lawful for the Inclosure Commissioners, after the passing of this Act, to give notice of their intention to proceed with the inclosure of any lands without the previous direction of Parliament, and no land shall be inclosed under the said recited Acts, and this Act, without the previous authority of Parliament in each particular case, as in the said firstly recited Act provided with reference to any waste land of any manor on which the tenants of such manor have rights of common, and other lands therein particularly mentioned."

290. Mr. *Knight.*] What is that Act?—It is the 15th & 16th of Vict. c. 79. There was a manifest expression of the opinion of Parliament in 1845, that however inclosures might be desirable (and that Parliament has never questioned) in agricultural districts, yet it was not desirable to inclose lands near to very populous places. That Act is the 8th & 9th of Vict. c. 118. The 14th clause of that Act is, "Provided also, and be it enacted, that no lands situate within 15 miles of the City of London, or within two miles of any City or Town of 10,000 inhabitants, or within two miles and a half of any City or Town of 20,000 inhabitants, or within three miles and a half of any City or Town of 30,000 inhabitants, or within 3½ miles of any City or Town of 70,000 inhabitants, or within four miles of any City or Town of 100,000 inhabitants, shall be subject to be inclosed under the provisions of this Act, without the previous authority of Parliament in each particular case." Then came the inquiry by the Select Committee of 1865, in which the report was very decided against inclosing near London; and then came the Act in 1866, founded upon the recommendations of that Committee, which is the Act which is now laid before this Committee for amendment, or rather which is brought before Parliament for amendment and extension. That Act provides, not for extending 15 miles in a circle as recommended by the Committee of 1865, but it provides for protecting the Metropolitan Police District. The Act is the 29th & 30th Vict. c. 122. Perhaps I may be allowed to refer briefly to the report of the Committee, in order to show what was their opinion. It was a very important Committee, consisting of 21 Members, and they recite that, "in early times the great extent of the commons and waste lands in England was regarded as prejudicial to the public, on whose behalf it may be fairly assumed that the Legislature acted in facilitating their inclosure, in order that agriculture might be promoted and the whole country benefited by an increase in the produce of the land;" further on they state, "The long continuance of the practice of the inhabitants of London to resort to open spaces for recreation, and its decided tendency to promote their health and happiness, and to draw them away from pernicious amusements, appear to your Committee sufficient reasons, apart from the mere legal questions of the case, why the Legislature should decline to sanction any measures which may indirectly deprive the public of the advantages they have so long enjoyed, and the necessity for which is daily increasing. Altered circumstances and increased population may well justify an extension of the law; and whereas formerly, in a comparatively thinly-populated country, nothing was thought of but the advantage to be derived from increased culture, now, in consequence of the rapid growth of towns, the public interest in keeping open such commons as exist near towns deserves the attention of the Legislature no less than the purely agricultural interest of former times." "As to the rights of commoners, they appear to them to have been, and to be, the great safeguard against inclosures, and not to have been detrimental to the public. For these reasons, in the case of the Wimbledon Common, your Committee reported in favour of their maintenance, and they recommend the same course with respect to the open spaces generally in the Metropolitan area, and your Committee would recommend that some system of registration for the rights of commoners should be devised, so that they may not lapse by non-user." "Various witnesses have concurred in the opinion that these commons are most suited for public enjoyment in their natural state without the appearance of artificial cultivation." The Committee conclude by saying, "That the powers which they recommend Parliament should confer are not those of sale or compensation, as contemplated by Sir John Thwaites and Mr. Wingrove Cooke, nor are they disposed to recommend the levy of an additional tax on property, or on the inhabitants of the Metropolis, without having first tested the capabilities of the various localities." They recommend, in short, that the thing should be left in a condition of *statu quo*, as regards the rights of the lords of the manors and the commoners, the rights of the commoners are beneficial as tending to keep open these places, and that in every case of inclosure within the protected district, a special Act of Parliament should be obtained; in fact, it leaves the rights just as they now are.

291. *Chairman.*] That is to say, subject to an application to Parliament?—Yes.

292. What opinion have you formed with reference to the sufficiency of the publicity which is given to a proposed inclosure?—My experience with reference to several open spaces, in which I have had a personal interest, is that no sufficient publicity is given, and that the first really public notice is the appearance of the Bill when it is proposed to be read a first time in the House of Commons.

293. Mr. *Winn.*] Surely you do not mean to make that statement with reference to ordinary inclosures?—I am rather speaking of Metropolitan inclosures; I am not giving any evidence upon the ordinary policy of inclosure. A common very nearly adjoining my residence, namely, Ockham Common, was inclosed in 1863, and I have not yet found any inhabitant aware of the subject, although it has been a matter of discussion for six months past. The practice is to put notices on the church doors, and if the church is frequented only by the rural community, then the outside world hear nothing of the matter until the Act is passed. In the case which I have mentioned, it is only put in the schedule of the Act.

294. Mr. *Knight.*] Was Ockham proposed to be inclosed by a special Act, or under the general Act?—Under a general Act.

295. How many miles is Ockham from London?—Measuring by the radius it is about 20 miles;

I gave evidence before the Committee on the Wisley Common Inclosure. Wisley Church is a wooden structure inclosed by a farmyard, and only attended by some of the labouring classes. No sufficient publicity was given in that matter.

296. Is Ockham Common of any value as agricultural land?—No, it is only valuable as occupation land; it is picturesque land, but it is poor land. The inclosure of Ockham is effected, and an application has been made in the case of Wisley; I do not attend to give any evidence in those cases, but on the very much larger question; I think that Wisley might be treated as an exception, because the parties gave their notices and incurred expenses; but there are a great many open spaces in the neighbourhood which are frequented by the inhabitants of the Metropolis, who come down on a Sunday and spend a very much quieter day there than they would do by frequenting places of amusement and refreshment in the Metropolis, and I think it extremely desirable that those places which afford the means of fresh air and recreation, and of communing a little with nature, should be preserved to the poor.

297. *Chairman.*] Is Egham in your neighbourhood?—No; I have not any great personal knowledge of Egham. I told the Committee all that I knew of it at the last meeting. Weybridge, and Walton-on-Thames, and Byfleet Commons are in my immediate neighbourhood, and they require protection.

298. Mr. *Bonham-Carter.*] Have you been able to obtain the titles of the Acts to which you referred in your former evidence, in which large spaces have been set aside for the poor?—I have laid my hands upon the Weybridge and Byfleet Acts, but I may state that I believe that the Walton Act is almost identical. I have not been able to lay my hand upon that Act. I have the Act of 1800, which is the 39th & 40th George 3, chapter 87, "An Act for dividing, allotting, and enclosing the open common, fields, meadows, and pastures, commons and waste lands, in the parishes of Byfleet and Weybridge, and manor of Byfleet, with its members in the county of Surrey."

299. Mr. *Knight.*] What was the extent of waste land to be inclosed?—It is not recited in the Act, but it was very large indeed, and I can state that the map which was exhibited to the Commissioners does not show these inclosures at all.

300. The amount was several thousand acres?—I think so, certainly.

301. Will you read the preamble of that Act?—"Whereas there are certain open common, fields, meadows, and pastures within the parishes of Byfleet and Weybridge, and manor of Byfleet, with its members in the county of Surrey, and also divers commons and waste lands in the said parishes and manor, but the parts and proportions thereof belonging to the respective parishes are unknown or lie intermixed and open to each other, but are all within the said manor: And whereas the King's Most Excellent Majesty, in right of his Crown, is lord of the said manor of Byfleet with its members, subject to a grant or lease thereof now vested in his Royal Highness Frederick Duke of York: And whereas his said Majesty is patron of the rectories of Byfleet and Weybridge aforesaid, and the Reverend George Sewell, clerk, is rector of the parish and parish church of Byfleet aforesaid, and as such is entitled to all the tithes, both great and small, arising within the said parish, or to certain compositions in lieu thereof, and likewise to a rectory house and glebe lands in Byfleet aforesaid, and right of common in respect thereof, and the Reverend Francis Haultain, Doctor in Divinity, is rector of the parish and parish church of Weybridge aforesaid, and as such is entitled to all the tithes, both great and small, arising within the said parish, or to certain compositions in lieu thereof, and likewise to a rectory house, and glebe lands at Weybridge aforesaid, and right of common in respect thereof: And whereas his said Majesty (subject to certain grants or leases heretofore made and now subsisting) and his said Royal Highness Frederick Duke of York, the Right Honourable Charles Earl of Portmore, Robert Sparks, and George Paine, Esquires, and several other persons, are owners and proprietors of the said open common fields, meadows, and pastures, and of divers messuages, cottages, lands, tenements, and hereditaments in the said parishes of Byfleet and Weybridge, and in respect thereof, or otherwise, are entitled to right of common upon the said commons and waste lands: And whereas the lands and grounds of the respective proprietors on the said open common fields, meadows, and pastures, lie intermixed and dispersed in small parcels, and the same, and also the said commons and waste lands in their present state, are incapable of much improvement, and it would be of great advantage to the several persons interested if the said open common fields were divided and inclosed, and the said meadows and pastures divided, and specific parts allotted to the several proprietors thereof in proportion to their respective property therein, and if the said commons and waste lands were divided and inclosed, and specific parts allotted to the several persons interested therein, according to their respective rights, and if allotments were made in lieu of the tithes of the said commons and waste lands in manner hereinafter mentioned, but such division, inclosure, and allotment cannot be established without the aid and authority of Parliament."

302. Mr. *Bonham-Carter.*] Can you tell us the area which was dealt with by that Act?—It is not stated in the Act, but I have no doubt that it was many thousand acres; it extended, I believe, over St. George's-hill.

303. The Crown was lord of the manor?—Yes.

304. And that proves what you have stated, namely, that the Act not only dealt with commons waste of the manor, but with common fields as well?—Yes; and they are dealt with separately in the Act.

305. Is the allotment which is set out for the poor set out in respect of the common waste of the manor, or of common fields?—It is provided for by the 35th clause, which is as follows: "And whereas it is intended to give and allow to such poor as are real and true occupiers of cottages within the said parishes, a share and interest of and in the said commons and waste lands in respect of their occupation thereof and residence therein only, as hereinafter mentioned." It then directs 40 acres to be set out in Byfleet, and 75 acres in Weybridge, to the use of the poor.

306. Will you read the words?—"Be it therefore further enacted, that the said Commissioners shall, and they are hereby required, in the next place, to set out and allot distinct parts and parcels of the said commons and waste lands hereby directed

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directed to be inclosed, exclusive of all roads and ways in and over the same, in the several proportions following; that is to say, in the said parish of Byfleet 40 acres, in one or more piece or pieces, and in such place or places as the said Commissioners shall think proper; and in the said parish of Weybridge 75 acres, in one or more piece or pieces, and in such place or places as the said Commissioners shall think proper, which said distinct parts and parcels of the said commons and waste lands so to be set out and allotted shall be and remain to and for the use of the real and true occupiers only of cottages standing and being within the said parishes respectively, the yearly rent of which shall not exceed 5 *l.*, and having no other house or place of residence, and such occupiers for the time being shall at all times afterwards have the sole and exclusive right of using the said parts and parcels of the said commons and waste lands so to be set and allotted for the purpose of pasture and of cutting turf, furze and heath for fuel, in equal proportions, according to the number of the said houses and cottages, without paying anything for such use;" and then the allotments are made over.

307. They are vested in trustees?—Yes, who are to be elected, and so on, and there are clauses which provide for inclosing and ring-fencing the several portions of the manor which are thus set out for the poor, and for other parties, and for charging for the expense of such ring-fencing; and there are powers in the Act for selling some of the land to pay for the ring-fencing; but the fact is that such lands have never been inclosed.

308. Is that power of selling this land still operative?—No, I think not; there are no powers which are operative. The Commissioners were to inclose and to ring-fence, and to raise the money; they are all gone; their report was made 50 years ago, and there is no power left. The land is literally, as to the soil, without an owner, because the Act recites that all the rights of the Crown, as lord of the manor, shall be satisfied by the proportion of land which the Crown is to receive. Therefore it is a piece of land which is subject to the rights of the poor, as regards cutting fuel, and so on.

309. Was it not vested in the trustees?—Yes.

310. Then they are the legal owners?—Yes.

311. And in your opinion they would be bound to maintain the rights of the poor?—Yes, but they have no powers of ring-fencing under this Act, and such powers have never been attempted to be put in operation, and what I am contending before the Committee is, that either by neglect or by intention (we cannot know which), the Commissioners did not ring-fence the poor's land, but left it open. The poor have never sought to have it inclosed. The trustees have never sought to have it inclosed; and here is a piece of open land left which is of a very picturesque character, but very worthless for the purpose of cultivation; in fact it is a heath, and we think that it ought to have the protection of such an Act as this, and that it should be included by some terms in the Act, so that it should not be wantonly leased away, and that the public should not lose the chief benefit of it. It is a breathing space within an hour's ride of the Metropolis.

312. Mr. *Knight.*] What is there upon that land?—There are heath and gorse, and fir trees grow naturally upon it; they are self sown; they are always springing up, and the poor cut them down.

313. Mr. *Bonham-Carter.*] These are open spaces, one of them, as you state, at Weybridge, being near to a station?—The railroad runs through the middle of them.

314. You stated that there were no owners; can you state to whom the railway company who took this land paid the money?—I believe that it was paid to the then existing trustees, and that they appointed one or two persons to administer it. I have heard from Mr. Locke King that he is one of the trustees.

315. Then, would there not be a money fund at this moment available for the improvement of the common?—There is a small money fund now in existence.

316. Would not it be available for fencing?—I do not think that it could be legally applied to that purpose; I imagine that it must be given to the poor.

317. Are not the words of the Act, that it is for the use of the "real and true occupiers of cottages," at or under 5 *l.*?—They are the only beneficiaries.

318. Are not the words of the Act that "such occupiers for the time being shall at all times afterwards have the sole and exclusive right of using the said parts and parcels of the said commons and waste land so to be set and allotted for the purpose of pasture, and of cutting turf, furze, and heath for fuel"?—The poor are the sole beneficiaries; there is no pasture, but they exercise the right of cutting turf and fuel.

319. In fact, these wastes were set out specially for the sole use of the poor of those two parishes?—Yes.

320. Are there many persons who are beneficially interested at the present time by being occupiers of cottages under 5 *l.*?—Not very many; but I state that, as a practice, the whole of the inhabitants of the district have ranged freely over these commons, and I contend that they have acquired those rights.

321. As against that Act of Parliament?—As against that Act of Parliament, by an implied dedication for that purpose by all parties declining to inclose.

322. Do you give that opinion as being in the legal profession?—No, I am not giving it as a legal opinion.

323. Here is an Act of Parliament which distinctly states that these waste pieces of land are to be fenced in, in the first instance, by trustees?—No, it is provided that they may be fenced in at the discretion of the Commissioners, but the Commissioners did not exercise that discretion of fencing.

324. Then am I to understand that, in your opinion, the laches of the Commissioners have in fact forfeited the rights of the poor?—No; the laches of the Commissioners and the laches of the trustees through all these years have prevented the inclosure of the space. There were on a valuable common the rights to cut turf and fuel, but all that remains is a dole to the poor.

325. Mr. *Knight.*] What would that land let for, supposing that it were let?—There is no doubt that it is now very valuable building land, and it is very likely to be looked after, and that is a reason why Parliament should protect it. I contend that it is a fortunate circumstance for

for the Metropolis that there are particular pieces of land without owners who can deal with the soil.

326. Mr. *Bonham-Carter.*] But does not the Act state, in the first instance, that these parcels of commons and waste lands "shall be and remain to and for the use of the real and true occupiers only of cottages within the said parishes"?—Yes, for the purposes stated.

327. In the first place, the Act states that without limitation, does it not?—No, I think that it is limited by the words that follow. It has never been contended that the poor have any right whatever except from doles, or the right of cutting fuel, or the right of turning out a donkey, or anything of that sort, upon the common; that is the only right which has been exercised since the passing of that Act; no one has claimed to exercise any right over the soil.

328. I believe that there was a proposal made by some of these parties to inclose one of these commons?—Five or six years ago there was correspondence with the trustees upon the subject. I was one of the trustees, and I refused to entertain anything of the kind, and I think that Mr. Locke King also refused.

329. As a trustee of the poor of one of these two parishes, you thought that it was a fair exercise of the trust, that the land should be kept open for the general public?—Yes.

330. You considered the general public as being beyond the parishes for whom you were trustee of the property?—I looked at it in a broad way; I apprehend that, in a legal point of view, the inhabitants of Weybridge would have a prior claim to the land.

331. Were not you a trustee for the poor?—Yes.

332. In this case there was reason to believe that the poor did not desire the inclosure?—Yes.

333. But supposing that the poor had desired the inclosure, and that this property, which you say is worth many thousand pounds, would, in your opinion, have been benefited by the inclosure, would you not have advocated that view?—No; I think that the poor are not really benefited by this arrangement. I think that the doles do a great deal of harm; they go to squatters, who are thus encouraged to come upon the land.

334. The original dedication was for the advantage of the poor of these parishes?—Yes.

335. And your opinion is, that without any payment to the poor, the public of the Metropolis ought to have a right to go freely over this ground in any number, because no fences have been put up either by the Commissioners or by the trustees, for a period of 70 years?—I think that the poor of Weybridge and Byfleet have the first right to range over that ground, and to use it in every proper and legal way, but I think that the inhabitants of the Metropolis may also use it without any detriment to the poor of Weybridge and Byfleet.

336. Supposing that you, as trustee of the poor, had been approached by certain of the poor, who said that the frequenting of this place by large numbers of people interfered with the rights of the poor, should you not, as trustee, have felt bound to prosecute any person so coming on the ground?—The matter has never been so entertained by the trustees. They have power to expend a portion of the poor's rates for protecting the land, but I have never heard of anything of the sort being done.

337. Then would not the simplest way of attaining the object be to fence the land?—The Act of Parliament provides another fund for fencing it. The charge upon the poor rate is for managing it, and I think that the words are "for preventing nuisances." Towards the close of the 35th clause of the Act of 1800, it is enacted that a majority of the trustees, "shall have full powers to make orders and regulations for the use, management, draining, levelling, and other improvements of and for the stints of the commonage thereof, and for the protection and preservation of the herbage, turf ground, and soil thereof, and for the employments and appointments of proper persons to execute such rules and orders, and to overlook the said lands, and to impound cattle which shall be found trespassing thereon contrary to such regulations, and to order payment of all necessary expenses thereby incurred, not exceeding in any one year the sum of 10 *l.*, out of the rates made for the relief of the poor of the said respective parishes."

338. Then do you, as a trustee, think that the power which is given by that clause for the maintenance and preservation of this space, would not entitle you to spend what money you had for preventing a nuisance by inclosing it?—It has never been contended that the trustees have such a power.

339. Is it your opinion that that clause does not give you that power?—It has been so contended; and I may add that if it has given the power to the trustees it is a stronger evidence that they did not mean to inclose, but rather to dedicate the land to the free range of the inhabitants of the parish.

340. I observe that, in your former evidence, you contended that these poor's lands had been designedly dedicated to the use of the parishes and the neighbourhood?—Yes.

341. I was anxious to elicit whether there was anything in the Act which defined the parishes or the neighbourhood; I understood that the right was given to certain cottages?—Yes.

342. Then are you right in saying that the neighbourhood was at all included under the Act?—Yes; it comprehends all parties within the manor of Byfleet, which extends over both parishes.

343. Are the occupiers of cottages who have this right in Weybridge also cottagers in Byfleet?—I apprehend that in setting out the lands there is a division or distinction, so that the rights of the cottagers in Weybridge are enjoyed and exercised in Weybridge, and that the rights of cottagers at Byfleet are exercised at Byfleet.

344. At present there is a cutting of turf, regulated by the trustees?—A cutting of fuel; there is no turf; it is a sandy heath; they cut the heath and the gorse, and sell it to the bakers for heating their ovens There are self-grown Scotch fir trees; it is fuel, as Parliament has stated by clause 35 of the Act of 1800, which contains the words, "cutting turf, furze, and heath for fuel"

345. Is not the turf pared in the usual way in which it is pared in open wastes for fuel?—Turf is only found on the sides of the roads, and it is usually cut for the purpose of laying down gardens, and I am told that the produce goes to the fund for the poor.

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346. Are you not aware that in many parts of England the surface has been taken for two or three yards, and that that is called turf?—That is not the case in this dry heath; I do not contend that the inhabitants of the Metropolis have any right to cut anything upon the common, but I contend that they have the right, as it has been kept open for nearly 70 years, of free range, and that no action of trespass would lie against anyone for so doing.

347. You are one of the trustees for the poor, under certain defined rights set out by the Act of Parliament?—I was a trustee a few years ago; I am not certain whether I am so now. There has been a scheme adopted, the legality of which has been disputed in the neighbourhood.

348. There is clearly no right to build upon this ground?—There is no power to do so.

349. Does not it appear from the Act of Parliament that whilst the ground is kept in its present state for the purposes of the cottagers, the trustees ought to proceed against trespassers who may injure the rights of the cottagers?—That question has not arisen; the land is such that walking over it or pic-nicing upon it does not injure it; there is nothing there which would receive any injury from any member of thousands of people. The volunteers are exercised upon that ground, and they have occasionally sham fights there in the summer months.

350. Are there not a large number of self-sown firs upon it?—Yes, Scotch firs.

351. Then, if at this period of the year a thousand people came down from London and walked over the common, do you mean to say that the growth of those young shoots would not be liable to very considerable damage?—I do not think so; they are self-sown, and they spring up faster than the cottagers can cut them down.

352. Will not that common hereafter, unless the trees are cut, become probably one wood?—They are constantly being cut away, they grow self-sown, and they are always being cut down.

353. Am I to understand you to say that from the nature of the soil, and the products of the soil, any number of persons going over it can do it no harm?—I do not think that any moderate use of that common would do it any harm; it would still be a wild heath.

354. When you say any "moderate use," how can you draw any distinction between a hundred people of the parish going upon it, and an excursion train bringing down a thousand persons from London?—At present no damage whatever has been done; I have seen 200 persons upon it.

355. Should you not feel that the poor, being the persons who are your cestui que trust, you should see that their property is not damnified by the inundation of large bodies of people?—If that difficulty arose, no doubt the trustees would feel some responsibility with respect to it.

356. Are not the trustees bound to protect the poor from such interference as may prevent their being deprived of the full value of this common which is allotted to them?—I apprehend so; but they have no powers to inclose, those powers having expired.

357. Then, am I to understand you that the clause which enables you to drain and level, and to prevent nuisances, does not inferentially give the power to fence, if it is for the benefit of the parties?—In my opinion it does not; I never heard of any power to inclose; it provides the amount of 10*l.* a year only.

358. Then, whatever rights the poor had at first in those two commons, you think that, partly by the laches of the Commissioners, and partly by the laches of the trustees, those commons are liable to be freely walked over by the general public from London, or by anybody else?—Yes; I have no hesitation in saying that that is my opinion.

359. Are you quite sure that an action of trespass would not lie?—I am quite of opinion that it would not, or it would long since have been tried. With reference to Walton Common, a society in London has built a very large Convalescent Institution there, the front of which is on the common, and that is the recreation ground of the poor creatures who come from the hospitals; it is a very delightful space for them, they do no harm, and they get an immense deal of good there.

360. Then, in your opinion, these commons, which were intended to be for the benefit of the poor, have, by some lache or other, inured to the general public?—The poor can cut fuel, and they also have the interest which has been given to them in doles; and in Walton parish they have some small portion set out in allotments, which they cultivate, but the remainder has never been inclosed, but is set out as waste land.

361. You said that these lands were designedly set out for the neighbourhood; what was the design?—The Commissioners have not inclosed; the trustees have never inclosed; and the poor have never asked for inclosure; and I believe that all parties desire those lands to be kept open for recreation, and I believe that all parties derive advantage from it.

362. Quite admitting the importance of maintaining open spaces, is there not another open space to which you have referred, namely, Wisley Common?—Yes.

363. You were examined before the Committee on Wisley Common, which sat this year?—I was.

364. And at that time the question was more with reference to the rights of the neighbourhood?—I gave evidence with reference to the rights of the neighbourhood, and also with reference to what I considered to be the rights of the inhabitants of the metropolis, or what was to the advantage of the metropolis; I did not put it in the way of right.

365. You have given us evidence as to the immense and rapid increase of the population of London?—Yes.

366. Is not the result of that immense increase an immense enhancement of the value of land in London?—It is raising the value of land in London, and all round London; no doubt that is the operation of the increase of the population.

367. Might not the inhabitants of a parish 20 miles from London think it very hard that land which is worth many thousand pounds an acre, should not, if the inhabitants of London desire recreation ground, pay for that recreation ground?—That is a question upon which I have not given any evidence at present, and I have given very little consideration to that subject. The report of 1865, opposes the idea that there should be any purchase of ground, but rather suggests that Parliament should leave as they are the rights of lords and commoners, in order to keep these places open as long as they could, and that they should not grant them undue facilities for inclosure.

368. You

368. You state that Wisley Common is frequented by persons who go there for recreation?—That is so.

369. But not very much from the Metropolis, as I have understood from your evidence?—Not very largely, it is two and a-half to three miles from Weybridge Station, and about the same from Walton Station.

370. Should you be surprised if I told you, that on Saturday afternoon I was there, and that I did not see a single person in the whole length of Wisley Common?—I think that it is quite possible that at times it is deserted in that way. There is no doubt that it is not very largely frequented. If a railroad were made near it, it would be a very favourite place with the inhabitants of the Metropolis. Saturday last was the annual Walton regatta, which drew away the people in another direction.

371. Do you think that the introduction of a railroad into a district from London gives the public an additional right or claim to the use of an open space?—I think that it gives the inhabitants of such a densely peopled Metropolis as this, not a right, but a claim upon Parliament, that they should not be too free in making inclosures. I think that it gives them a claim upon Parliament, that Parliament should not take away a common from anybody who possesses it.

372. In Question 368 in your evidence before the Wisley Common Committee, you stated that "in the spring and summer months the whole of the inhabitants of the neighbourhood, who have carriages and horses, take exercise there"?—Yes.

373. Do you think that the inclosure of these commons should be refused for the sake of persons who have carriages and horses?—No, I have put it upon the broad ground of a very large, and dense, and increasing population, and that on that account there should be no undue inclosure of these commons, which, I might almost say, providentially, are placed round London as breathing spaces. There are certain reasons which distinguish Wisley Common from other commons; parties have taken steps under the existing law to inclose it, and have expended money in so doing.

373*. We are inquiring into the operation of an Inclosure Act, as to inclosing lands within 25 miles of London; is there anything so exceptional with regard to Wisley as that what operates within the same distance upon other commons, should not operate upon it?—Yes, because they have permitted the owners to apply and to take certain steps, and to expend money, which in other cases has not been done, and therefore you are called upon as legislators to consider whether you should not afford protection to commons where no expenditure has been made. I think that it might be a fair question, whether if you extended the limits, Wisley Common should not be made an exception. I think that it would come within the 21 miles limit.

374. In your evidence before the Wisley Common Committee, you state that it is principally used by the inhabitants of the neighbourhood, who have carriages and horses, and take exercise there; and in the next answer you say that there are gentlemen who use it even more than you do; gentlemen who hunt upon it?—Yes.

375. Do not gentlemen hunt upon private inclosures as well?—They are not so convenient for hunting as an open space; I believe that I said that, because some gentlemen were present who were accustomed to hunt over it, and I believe that they had been successful, more or less, during the last winter upon Wisley Common.

376. Do you advance that as an argument why the public should be considered in such inclosure?—I think that all these things should be considered by Parliament; I am not opposing any rights of the lords and commoners; I merely contend that you should consider all these points.

377. You stated that the land, if inclosed, would probably be worth 500 *l.* an acre?—No, 100 *l.* an acre; I said that some land close to the railroad at Weybridge, was worth 500 *l.* an acre. I think that I estimated the land at about 100 *l.* an acre, which estimate was confirmed by the surveyor of the Board of Works; that is to say, for occupation land, not for agricultural purposes.

378. Supposing that a small number of the commoners comply with the requirements of the Act of 1845, and by so doing are empowered by the existing law to realise a property which may be worth from 100 *l.* up to 500 *l.* an acre, do you not think that it is rather hard to step in at the present time, and prevent them from inclosing a common which you say is not frequented from the Metropolis?—I have not proposed anything to prevent their inclosing, they can inclose if they have agreed to inclose.

379. Am I to understand you that you wish to exempt these commons from the operation of the Act of 1845?—Yes.

380. Would not the effect of that exemption be to prevent the owners of these commons from being the possessors of property, which may be worth as much as 500 *l.* an acre?—No, they would still have the power to do so; my proposal only says that if they want any power from Parliament, they shall come to Parliament with a special Bill.

381. It would prevent them in so far as the expense of a special Bill in Parliament would be a bar?—With reference to land which is so valuable, I think that the expenses of an Act of Parliament does not deserve consideration. I think that the public are entitled to the requirement that there should be an application to Parliament for the purpose; I think that there is a good deal of misunderstanding as to what is proposed by this Bill; it is not proposed I am sure by myself, and I have not heard of anyone else who proposes it, to take away any existing right from any lord or commoner, but merely that in a general Bill you should not give them powers, which in a matter of this importance should be sought in a private Bill.

382. Has not the practice for nearly the last 25 years been, that unless there has been some miscarriage of justice, the inclosures which have gone through the proceedings laid down by Parliament, have, as a rule, been made?—There have been very many complaints about the practice; I cannot bring them before the Committee, but I have had many letters upon the subject.

383. You state that Wisley Common is a very retired common?—Yes.

384. And that there is nothing to be compared to it in respect to its picturesque beauties, and retired advantages; how can the retired ad-

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vantages co-exist with the influx of a large number of people?—I have not stated that a large number of people resorted to it. Until it is further developed, and, until a railway approaches it, it is too far from a railway station for any great number of persons to frequent it.

385. Would not those retired advantages be entirely lost if it was brought within access of a great number of people?—I think not, because there are very beautiful clumps of firs which make it desirable for the visit of pic-nic parties, and so on.

386. But has not the lord of the manor the right to cut all those firs?—Yes, the lord or the commoners.

387. Would you confer upon the public the right of maintaining a different standing?—No; I am merely contending for leaving all rights just as they are. I should be perfectly satisfied if everybody was left to his rights, and if Parliament did not interfere.

388. Do you contend that the public have the right of free access to the whole of Wisley Common at the present time?—I think so.

389. Do you think that an action of trespass would not lie against onyone going over the soil of Wisley Common, otherwise than over the highway?—I am quite sure that such an action would not be successful. It has been common land since the time of the Conquest, and nothing of that sort has ever been attempted.

390. Do you mean that, supposing you were to go upon that common, for instance, to sport, you could not be prevented from doing so?—I do not include sporting. I do not contend that the public have any right to sport upon the common, but they have the right of ranging over it, and walking across it, that is to say, the inhabitants of the immediate neighbourhood, they cannot carry a gun.

391. You do not think that their ranging and walking over the common would be any infringement of the right of the lord?—I do not think that it would be any infringement of the right of the lord, or any of the commoners.

392. With regard to Wisley Common, you state that the lowest figure which it would be worth would be 37,000*l.*, if inclosed?—I consider it of that value.

393. You think that, practically, the public have the right, when the Inclosure Act has authorised the inclosure of these commons, subject to the opinion of the House of Commons, to step in and say that the four or five owners of this common shall not realise this 37,000*l.*?—I have not said that; I say that if they are the sole owners, they have the full right to inclose the common, they can do so without coming to Parliament, but what I contend is, that if there is any disability, or anything which requires an Act of Parliament, Parliament should be very careful in conceding those powers.

394. But would you keep the common practically open, or would you say, "We give you certain privileges in this common, but the whole of it must not be inclosed"?—I should prefer the common being kept open, and the commoners being left to their rights.

395. Do not the owners of the adjoining properties now give the public very free access?—Yes, they are extremely liberal in that matter, and Mr. Buxton particularly.

396. Your objection is that that may he put an end to at any time?—Yes.

397. But you think that the public have acquired such a right over Wisley Common, and other similar commons, that you think that Parliament ought not to allow those commons to be inclosed upon the satisfaction of all the rights which could be maintained in a court of law?—I have contended not that the inhabitants of the Metropolis have a right, but that they have a claim, upon the consideration of Parliament in conferring these powers which are sought.

398. Mr. *Buxton.*] Is it not the fact that there are no persons, or very few indeed, who have any legal right at Weybridge over the enjoyment of that common, because the rents of all the houses are more than 5*l.* a year?—There are very few persons left who have tenements of 5*l.* a year or under.

399. Do you know whether there are any at all?—Yes, there are some.

400. But they are very few in number?—Yes.

401. Did not the Act of Parliament give certain specified rights for the poor?—It did.

402. It defined what those rights were to be? Yes.

403. Will you read again what the rights of the poor were to be?—"And such occupiers for the time being shall at all times afterwards have the sole and exclusive right of using the said parts and parcels of the said commons and waste lands, so to be set and allotted for the purpose of pasture, and of cutting turf, furze, and heath for fuel, in equal proportions, according to the number of the said houses and cottages, without paying anything for such use."

404. Therefore, the Act of Parliament did not give those poor persons any right to the freehold of the common?—No, I apprehend not.

405. It gave them certain advantages which were laid down specifically?—It gave them what in law is called the usufruct.

406. There is no claim in law founded upon anything beyond the advantages which that Act defines?—No, I apprehend that the freehold is in the trustees.

407. Do you not think that those few persons who live in houses in Weybridge of a rental below 5*l.*, would really suffer by having the land fenced in and sold for building land; that it would give them an enormous annual dole which would make it unnecessary for them to engage in any sort of industry, and would probably demoralise them exceedingly; and do you not think that it would probably have the effect of drawing a flood of paupers into the district, if such a thing was in prospect?—I think that that would be the effect of it; that the doles would be so large that it would draw in paupers from all the districts around; that is to say, squatters, who would build hovels; in fact, it has operated in that way in Walton parish to a large extent. With reference to that question, a Bill, I believe, has gone through this House, namely, the Endowed Schools Bill, which renders those doles applicable to educational purposes; but I should state that that Bill excepts the soil, and does not allow the soil to be dealt with; it states that no inclosure of open spaces shall be made under that Act.

408. Is it not a great inducement to wealthy people to live at Weybridge because there is so much uninclosed land?—Yes, it is an attraction to such persons, and the poor are supported and employed by the wealthy inhabitants.

409. So

409. So that the poor do derive advantage from the open land?—Yes; that question was discussed at a vestry meeting, and it was put before the poor, namely, that the great advantage to them was from the wealthy inhabitants coming and spending money amongst them, and employing them.

410. So that the poor derive advantages from a proper arrangement with regard to that common?—Yes.

411. You do not think it likely that any vast multitude of people would come down to destroy the young trees, and to kill all the heather, or anything of that sort?—We have never experienced anything of that kind, and the only thing that I can conceive possible would be a prize fight; and that is so public a place that I do not think that that is likely to occur.

412. Are you aware that noblemen and gentlemen near London have allowed the public to go into their parks, and to go there for many years, and have never indicated that they have found any reason to be dissatisfied with it?—That is the case particularly in the neighbourhood of Weybridge. Lord Ellesmere did so during his life, and Lady Ellesmere allowed free range over St. George's Hill, subject to proper restrictions. The same thing is done to a certain extent by Captain Egerton, and the same thing is done by Mr. Buxton.

413. Are you aware that Lord Salisbury allows any persons who please to come into Hatfield Park?—I have understood so.

414. And are you aware that no damage has been done?—I have never heard any complaint except at times a brass band has come down, and regulations have been made preventing the allowance of anything of that kind on the ground.

415. So that there is no reason to think that the interests of the poor suffer?—I have not any idea that they suffer, or that they make the least complaint of the kind. I have one of these poor people in my employment.

416. Mr. *Johnston.*] Are you aware that almost 20 years ago there were so few cottages in Walton of a rental under 5 *l.* a year, that the late Sir Henry Fletcher built cottages at that rent in order that they might be inhabited by poor people who might qualify for those doles?—I have heard so.

417. You say that there are still some persons in the neighbourhood of London who pay these small rents; do you not think that in a few years there will be none at all?—That would be the case if there were not parties who let cottages at such a rent that the occupiers may have the advantages of the dole.

418. Would it not be an absurdity to give to so very few persons the exclusive benefit of this land?—It would be absurd, because it would lift them from indigence to competence, and they would cease to be "poor." The effect would be to bring a large number of squatters into the neighbourhood, as has been the case to some extent already.

419. Who was it that, five or six years ago, wanted you to inclose these commons; was it a building speculation?—No; I think that it proceeded from some person in the parish who was in communication with the Charity Commissioners, and they thought that it would be beneficial to make a charity of it.

420. You have mentioned the Report of some Committee who recommended the establishment of a registry for commoners of their rights?—It was the Committee of this House in 1865.

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421. Has anything been done in that respect?—No.

422. Lord *George Hamilton.*] From your general experience, you think it desirable to extend the Metropolitan Commons Act?—Yes, to such a limit as the Committee think fit.

423. Do you suggest to the Committee that they should except certain commons?—I have only mentioned Wisley Common as an exceptional case. The parties interested had acquired some right, and I thought that they might be exempted if the limits were extended so as to include Wisley. I think that then Wisley might be an exceptional case.

424. You think that if the Metropolitan Commons Act were extended there would be cases where it would be prejudicial to the neighbourhood?—No, I have not expressed an opinion to that effect. I do not think that it is desirable to inclose any of these open spaces. I think that the population is so rapidly increasing as to make all open spaces round London very valuable, and that it is better to leave the rights of the parties to the decision of the courts, according to the existing law, and that there should not be any fresh law for that purpose.

425. Colonel *Barttelot.*] I wish distinctly to understand your opinion upon this point: do you think it right that where speculators (I do not use the term offensively) build houses to a large extent in the neighbourhood of London, and make large fortunes, and where there is a common within 20 miles of London, the inhabitants of those houses should have the benefit of going down to that common and taking away the rights, as it were, of the lord and of the commoners?—No, I do not think that there is any taking away of the rights of the lord and of the commoners. I think that if there is any interference with the rights of the lords and of the commoners, the parties infringing those rights should be restrained. I am contending that it is not desirable for Parliament to give the lord and the commoners any fresh rights which they do not now enjoy.

426. You know perfectly well that if the lord and the commoners all agree they can now inclose a common?—Yes, and I am not at all contending against that right, but I think that if they cannot agree, or cannot find out the existing rights of parties, Parliament should not be too free in giving that which they have not got, and I think that within a certain radius, the land, under those circumstances, should be left open.

427. Are you not aware that the Act of 1845 was passed in order to do away with special Acts?—Yes.

428. So as to enable a common to be inclosed more economically than by a special Act?—Yes; but the growth of the Metropolis requires an extension of the limit which is stated in that Act.

429. But do you not think that the lords and commoners ought to be fairly compensated if, for the benefit of a large city like London, you recommend taking away their common?—I do not propose taking away the common from anybody, but if a desirable case of taking away a common is put, I think that the parties should be amply compensated.

430. You are seeking to take away the power which

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which was given to those parties by the Act of 1845 to inclose their common, and you are anxious that by no possible means should they be enabled to inclose their common?—No; we merely say that it should not be included in a large group of commons which are proposed to be inclosed, but that a special application should be made to Parliament in that matter, because a common near the Metropolis is more important than a common situated in an agricultural district. The open spaces near London have acquired a fictitious value in consequence of their proximity to the Metropolis, and we think that there should be a special application to Parliament with reference to such inclosures; but we do not propose that any existing rights, either of lords or of commoners, should be interfered with.

431. But do not you think that if a man has been fortunate enough to possess a common in the immediate neighbourhood of London, which is more valuable than other commons, he should receive compensation for it?—If it was intended to take away any right then under the Lands Clauses Act, he should receive compensation, but it is not proposed by myself, or by any party acting with me, to take away any right whatever. I merely say that before Parliament gives what is not a right now, the matter should go before a Select Committee, so that they might consider the whole circumstances.

432. Who do you propose should pay the extra expense of such an Act of Parliament?—The parties proposing to make a benefit out of it; it is quite clear that in every case near the Metropolis some of the parties would make a large sum of money, and I say that when they are taking steps to convert common land into building land they should pay for that application; or I think that the public might pay for it out of the public funds; but that is a very small question compared with the larger question of the commons being preserved.

433. Do you not think that it would be a very fair proposition, supposing that a common of that sort was to be inclosed for the benefit of certain parties, that a jury should be empannelled to assess the damages occasioned by that common being inclosed?—I think that that would be a very fair proposition.

434. You have made a statement with regard to the meetings as to these commons; you said that the notice was only placed upon the church door, and that nobody knew anything about it until after the Bill was in the House of Commons?—That was practically the effect with regard to the Ockham Inclosure and the Wisley Inclosure.

435. Do you not know that it is advertised in the local papers?—A local paper was put in before the Wisley Common Committee, but I never saw it before, and do not think that I am likely to see it again.

436. Do you not think that there is a considerable time before an inclosure takes place, and that there is always a considerable consultation in the neighbourhood about it?—Nothing transpired in the neighbourhood with reference to those two commons; there was nothing like a public notice.

437. How would you suggest that such a notice should be given?—In such a place as London, I think that the notice should be given in the "Gazette" and in some London paper; I think that if this matter were treated as applications for private Bills are treated, it would meet all the requirements of the case.

438. With regard to the doles of which you have spoken, does not Mr. Forster's Bill deal with this matter, so that you will now have nothing more to do with the poor in the 5*l.* cottages?—The Bill as it now stands limits the application of those doles to education, but the Charity Commissioners are to make a scheme. As the Bill first stood, it was to be absolute, it is now permissive; but the Bill protects the land, and says that unless there are other powers, it is not to be inclosed under that Bill.

439. You said that, in your opinion, the rights of the commoners should be registered?—That is recommended in the Report of the Committee of 1865.

440. That is your opinion also?—Yes, because it would tend to the regulation of commons when they were dealt with. That is a matter which has been recommended by a Select Committee, and I will not pretend to discuss it.

440*. Mr. *Winn.*] You said, with regard to Weybridge and Byfleet Commons, that you had not heard of anyone trespassing upon them?—I never heard of anyone being charged with trespassing; I meant to say that I had not heard of anybody causing any damage.

441. Your words were that you had not heard of anyone trespassing?—I meant trespassing so as to damage the common.

442. What did you mean by "anyone trespassing"?—I meant that I had not heard of any complaint of damage; I never heard of anyone being charged with trespassing; under this Act there is a clause by which anyone may be fined for damaging or injuring the common, but I never heard of anyone being charged with trespassing upon the common in the sense of walking across the common, or using it.

443. By the Act which you have quoted, it seems that this land was set apart for the poor for pasture, and for cutting turf, and cutting timber?—Timber is not mentioned, but that right is exercised. When this Act was passed, it included nearly the whole of the parishes of Byfleet and Weybridge, and there was a good deal of pasture land in those parishes; but this poor's land is set out upon the heath, and there is no pasture, and there would not be sufficient food for more than two donkeys, or a few geese.

444. That is to say in 200 acres?—Yes; it is sand covered with heath and gorse, with fir trees which are self-sown, and are constantly springing up; it is what is called geologically the "Bagshot sand formation;" it is peculiar to the growth of that fir.

445. Do you mean to say that 2,000 or 3,000 persons a week would not damage that pasture?—There is no pasture there; there was a large pasture to be allotted under this Act, but as that has been allotted to the lord of the manor, and the persons entitled to it, what is left is merely suitable for cutting turf, firs, and heath.

446. Does not the inclosure award distinctly state what this inclosure is to be for?—Yes.

447. Have you read it?—I have seen it; there is a map, and an award.

448. Does not it distinctly specify what these 200 acres are to be used for?—They are merely to be used for the purposes of the Act of Parliament. The Commissioners were merely to apportion the land; the rights are specified by the Act of Parliament.

449. You

449. You say that you are a trustee for one of these commons?—For Weybridge Common. All parties rated to the extent of 100 *l.* a year are trustees, and I have always been rated to that amount.

450. Therefore the soil of these 200 acres is in yourself as one of the trustees?—It is in the trustees. Weybridge Common is 75 acres only.

451. Do you not consider that in dealing with those 200 acres you are bound to make the most of them that you can for those persons who benefit, or ought to benefit, from them?—Yes, I think that we are bound to exercise the best judgment that we can, and I am satisfied that the fresh air is better for the people than the doles, and that is certainly the prevailing feeling in the neighbourhood. There would be no objection to regulating the ground or putting paths upon it, or putting seats upon it, or anything which made it better for the poor; but if it were inclosed, I apprehend that it would be against the intention of the Commissioners who allotted this land, and did not fence it.

452. You said that there were no funds for fencing this land, if it was thought desirable to fence it?—Just so.

453. If there had been fences made, no doubt by this time they would have been worn out; where would the money have come from for re-fencing?—That is a hypothetical case, which I have not taken into consideration; I merely contend that there has never been ring-fencing under the Act. The Commissioners having made their award, and having departed this life, the land has been dedicated to the free use of the inhabitants of the neighbourhood.

454. Surely, if there had been the power of fencing, there must have been the power of maintaining that fence, and the same money which would have been expended in maintaining the fence could have been expended in erecting the fence?—But the facts are against that hypothesis; there could not be a fence to maintain if no fence was made.

455. If, under other circumstances, you might have had the power of maintaining a fence, would you not now have the power of erecting a fence?—I cannot admit that that is the state of the law.

456. Mr. *Knight.*] If a fence had been erected, you would not have supposed that this general right of the public would have accrued?—If a fence had been erected by the Commissioners, under the powers of this Act, then I apprehend that such a right would not have accrued; the land would have been the private property of the poor.

457. It is simply an act of trespass by the public, as against the rights of the poor, because the Commissioners have not put up a fence, according to their duty?—I contend that there has been an implied dedication to the public from about the year 1800.

458. I have before me a circular of the "Surrey Commons Preservation Society"; are you one of that body?—I was on the committee who assumed that name, but I was no party to that circular.

459. This body asserts, by way of direction to Parliament, that "Wisley Common, so far as the soil is concerned, is public property"; is there no lord of the manor of Wisley Common?—The lord of the manor, I apprehend, is Lord Lovelace.

460. Are you not aware that the soil belongs to the lord of the manor?—I am not the party who issued that circular.

461. Is "Charles Jones" the secretary of that body which has given itself the name of "The Surrey Commons Preservation Society"?—He was the secretary of that society.

462. But you do not adhere to what was published under the name of your secretary?—I do not adhere to that broad statement, that Wisley Common is public property; it is the property of the lord of the manor, over which the lord has certain rights.

463. It is stated in this document, that "additional parks and breathing spaces are being provided for the people, at very considerable expense to the ratepayers"; I suppose that in the case of Battersea Park and Victoria Park, and so on, the rights of the owners were compensated, were they not?—Yes.

464. I quite agree with the statement, that large spaces ought to be preserved if possible; but do you not think that the lords of the manors, or the commoners who have distinct rights, ought to be compensated in the same way?—Yes. I have already stated that I think that every right ought to be compensated. I am the owner of property myself, and I think that the rights of property should be protected to the fullest extent. With reference to that paper, I may say that it was an act of haste and zeal, and that it was objected to afterwards; it was not adopted by any committee. When Wisley Common was proposed to be inclosed, nobody knew anything about it, and the Bill was pressed to a second reading within a few days of its introduction; and that paper was put out to arrest the attention of the public, but it was not authorised in any way. I must repudiate any sentiment of the kind which is there expressed as to the common being public property.

465. *Chairman.*] You have been asked about the parks which have been lately purchased in London; do you know whether they were private property?—I believe that in most cases they were private property.

466. And therefore they are not analogous to the commons and open spaces, which we are discussing?—No.

467. Some allusion has been made to the speculative building in London; it is your opinion that people come to London because houses are built, or that the houses are built because people require them?—There is no doubt that the supply follows the demand.

468. Are you aware that 7,000 houses in London must annually be built in order to accommodate the population?—Yes, there is something like that amount required.

469. Mr. *Knatchbull-Hugessen.*] You have been asked a question with regard to the probability of a railway coming near Wisley Common; I suppose that it is your opinion that the advent of a railway into a district generally tends to an increase of population?—Yes.

470. And would you not say that the greater the increase of population, the greater the public necessity of preserving open spaces?—Yes.

471. And that if the interest of the public demands that open spaces should be reserved, the fact that speculators are incidentally benefited should not preclude the consideration of the public interests in that particular?—No.

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472. Do you think that more care ought to be exercised in the inclosure of commons near the metropolis than in an agricultural district?—Decidedly so.

473. But you do not want to deprive anybody of any legal right?—Certainly not.

474. Do you think that in agricultural districts, where the legal rights do not conflict with the general public interests, the application of the General Inclosure Act is desirable?—Yes.

475. Can you state any reason why a legal right should be exercised where it is less valuable, and should be restricted in its exercise as soon as it becomes more valuable by its vicinity to a large town?—I think that Parliament should be more jealous of granting concessions near large towns, because the interests of large towns require an open space. On the contrary, the interest in an agricultural district is that as much land as possible should be cultivated.

476. Then, as I understand you, it is entirely with a view to the public interests that you advocate the keeping open of these spaces?—Yes.

477. And you would think it a justifiable course of proceeding, that while on the one hand Parliament should so far interfere with the interests of the lords and of the commoners as to keep these spaces open, they should on the other hand take care that the rights of the lords and of the commoners were compensated out of some public fund?—Yes, if their rights were interfered with under this Act; but I do not assume that any rights would be interfered with.

478. You are probably aware that the general Inclosure Act was passed for the purpose of facilitating inclosures, at the same time protecting the interest of the lords and commoners, as well as of others?—Yes; but the object was to increase the value of the soil by cultivation, but that argument does not apply to open spaces near the metropolis.

479. The cultivation of the soil tends to the production of a greater supply of food?—Yes.

480. And it would therefore be in the public interest?—Yes; that is recited by the General Inclosure Act, the preamble of which says, "Whereas it is expedient to facilitate the inclosure and improvement of commons and other lands now subject to rights of property, which obstruct cultivation and the productive employment of labour." This Act exempts all property within 15 miles of the City of London, and all commons within the neighbourhood of populous towns; therefore Parliament has to watch over two interests, namely, the interests of London and the interests of populous towns and cities.

481. The lords and the commoners who would require rights in severalty by an inclosure, would receive a benefit from an increased facility in the cultivation of the land, would they not?—Yes.

482. But if they would have an increased value by the cultivation of their lands under inclosure, they would to a certain extent have the value of their rights lessened, if that inclosure were denied, would they not?—I do not so consider it; I do not consider that either of the parties have such a right in the matter; the inclosure is a boon in both cases, and I think that Parliament should prescribe the terms of it. If a man has a defect in its title, and cannot build without coming to Parliament, he is asking a benefit from the Legislature, and I think that it is the duty of the Legislature in both cases to see how the public will be benefited. Where the land is agricultural, I think that Parliament should look to the matter, and see how a man will be benefited by the increase of the value of the soil; but where the land is urban I think that the public right should be looked to.

483. Then you think that the public right should come before the rights of the lords and the commoners?—Yes; I think that the rights of the lords and the commoners should be left where they are, and that in respect to these commons the rights of the public should be considered.

484. Are you aware that very many important inclosures were made before 1845?—Yes, by separate Acts.

485. And therefore one intention in the passing of the Act of 1845 was to reduce the expense of inclosure, and to take something in return from the lords and the commoners as a gift to the public?—No doubt that was so.

486. But you think that if a legal right is fairly made out on the part of the lords and commoners, and if a diminution of that right can be proved, they are entitled to some compensation?—Yes; I have no doubt upon that point.

487. Does not the Act, the extension of which we are now considering, contain something of the sort in the 15th clause, namely, the compensation clause?—Yes, I think that that clause contemplates such compensation.

488. Are you aware that that clause has never yet been put in force?—No, I am not aware of the circumstances under which the Act has been put in force.

489. If that clause has not been put in force, do you think it possible or probable, to judge with regard to the persons who have estates, rights, or interests in these commons, whether they will be sufficiently compensated, or will be restricted under this Act?—I have not considered that point.

490. Can you suggest any such improvement of the law as by convincing those persons who have rights in open spaces within 25 miles of the Metropolis, that their rights would be fairly considered, *qua* compensation, would induce them to be anxious that some scheme should be adopted which should secure these open spaces to the public?—I have rather been interested in considering how their rights should not be compensated, and should not be reconciled. I agree with the Committee of 1865 that their rights are in a very beneficial position as they now stand; that the best thing for the public would be that the lands should be uninclosed; and I think that the objection made by Mr. Ridley, that there had only been seven applications under this Act, is its best recommendation.

491 In your opinion, it is undesirable to have any schemes for inclosure, but it is desirable to keep the commons as open as they are?—Within a certain limit of London, I think that the best thing is to leave the matter as it is, and to leave it to the operation of the law.

492. You think that it is rather a good Act which obstructs people from bringing forward any scheme such as is proposed by the Act itself, and which, however beneficial an inclosure might be to the neighbourhood, prevents an open space from being inclosed?—Yes, I think that the Act of 1866 was a disenabling Act, so as not to give facilities for inclosures near the metropolis.

493. By a disenabling Act, you mean restricting

stricting persons from exercising rights which they can exercise in other parts of the kingdom? —Excepting them from the operation of the law which exists in another part of the kingdom where the circumstances differ.

494. Are you aware that in these open spaces within 25 miles of the Metropolis, as in other spaces, it may happen that a number of poor persons are commoners, having rights of common? —I know that there are some cases of that sort, but in my own immediate neighbourhood I have not made particular inquiry.

495. They probably would be very frequently benefited by the preservation of an open space? —In many cases they would; but in some cases they would prefer a money compensation.

496. I suppose there would be no great difficulty in satisfying their rights out of public funds?—No, I apprehend not.

497. Supposing that London goes on increasing according to the ratio of population which you have given in, do you see any limit hereafter at which this Metropolitan Act of 1866 should stop? —I have stated that if it was extended to 25 miles, I think that it would suffice for half a century, and that that is a period which it would be sufficiently large for this Committee to consider at present.

498. Taking the question of compensation, have you ever considered out of what fund any compensation should be given?—I have not considered the question of compensation, as I have not contemplated the interfering with any rights, but I think that there can be no possible objection to levying on the Metropolis for anything which would be for the advantage of the Metropolis; and I think that the limits of the Metropolis for such a purpose might be extended to the limits of the area protected.

499. Do you not think that when you propose that a right shall be exercised in a remote part of the country, and at the same time propose that it shall not be exercised near the Metropolis, that is an interference with a right, and that it is better to take the broad ground, not of denying the interference, but of saying that the interference is justified by public necessity?—The spirit of the legislation of Parliament, as I have explained, has been anciently to encourage the inclosure of commons; but since the year 1845, Parliament has exempted commons within 15 miles of the city, and in the neighbourhood of all populous towns, and therefore Parliament has considered that these were not rights to be dealt with, but that there were two classes of commons to be dealt with in different ways. I think that claims may be spoken of in this matter, but not rights. No person has a right to come to Parliament for an inclosure; it is a boon in every sense; it is so stated in the Report of the Committee of 1865.

500. Then, may I sum up your evidence in this way, that you are of opinion that the public interests demand the preservation of the open spaces near the Metropolis, but that you have not given much consideration to the question of compensation which might arise in carrying out any such change?—I have not given my attention to the question of compensation, but I think that I expressed an opinion before the Wisley Common Committee, which I still entertain, that it would be a fair thing to levy a small amount of taxation on the inhabitants of the Metropolis, who are the parties to be benefited, and I think that the limits of the metropolis for that purpose might be very fairly extended to the limits of the Inclosure Act; for instance, the pink district on the map, the Metropolitan Police District, might very fairly be taxed.

501. Mr. *Johnston.*] Mr. Knatchbull-Hugessen has spoken of the disadvantage to commoners of preventing an inclosure. Are you not aware that the commoners near London, from the rapid change of ownership, and from other causes, are very much reduced in number, and in some cases hardly exist at all?—Yes; and I have considered it very beneficial that those rights should remain.

502. Mr. *Bonham-Carter.*] The common rights, generally speaking, are appurtenant to the land? —Yes.

503. The rights are, I presume, taken away by the absence of user?—No doubt, in some cases.

504. If the land which had rights still existed, and the user continued, the rights would exist?— I would rather decline to go into a discussion of that question, which would become a somewhat subtle legal question.

505. If the land which had the rights still existed, and if the user continued, the rights would exist, would it not?—I presume that it would.

506. Then the rights have failed from the want of user if they have failed at all?—Yes; if they have failed at all.

507. May it not be possible that the user may have been rendered valueless by a population of this kind passing over the wastes to such an extent that the pasturage would be worthless?— That may possibly be so in lammas lands where there are exclusive rights of pasturage during a portion of the year, but I do not think that that would apply to ordinary commons; it is proposed, I believe, by a clause in this Bill that lammas lands should be affected if words could be discovered for protecting them for the use of the public.

508. Mr. *Winn.*] You have spoken of Epping Forest; you have said that it is a very large space, and I understood you to say that it is very desirable to leave it open?—Yes; in its natural wild condition, and not to attempt to make a park of it.

509. Is it very near a railroad?—Yes, there is a railroad; the Great Eastern system of railway touches that forest.

510. Do you know the extent of it?—I do not; it has been very greatly reduced of late years by encroachment. The Report of the Committee of 1865 recommended that the Crown should take steps to prevent further encroachments.

511. Are the inhabitants of London very much in the habit of going to Epping Forest?—Yes; in suitable weather. In 1865, evidence was given that on one day 200,000 persons had gone down by the railway and in other ways; that, I believe, was on a Whit-Monday.

512. Mr. *Knight.*] That was the day of the Epping hunt?—It was.

513. *Chairman.*] Is there any further observation which you wish to make?—I should like to read two lines from the report of the Committee of 1866; they are at paragraph 2 of page 7. "Mr. Burrell stated distinctly, that he considered

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the granting of an Inclosure Act of Parliament a boon which Parliament might justly refuse at discretion." I have read those words in reference to a question of an honourable Member as to the right of inclosure. That Committee deemed that it might be beneficial to certain parties to apply for an inclosure, but that no one had any right to inclose unless all the parties agreed.

514. Mr. *Knatchbull-Hugessen.*] The words which you have read were an individual opinion which was given?—Yes, by Mr. Burrell, indorsed by the Select Committee.

Mr. William Wyke Smith called in; and Examined.

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515. *Chairman.*] You are, I believe, Solicitor to the Metropolitan Board of Works?—I am.

516. The Metropolitan Board is, I see, the the local authority as regards certain commons, that is to say, commons within the metropolis under the Act of 1866?—It is so.

517. Do you know whether the Metropolitan Board has ever taken any steps, under that Act, for the purpose of dealing with such commons?—Yes; they have certainly not taken so many steps as they would have desired, but I rather think that they have taken all the steps which were practicable under the circumstances. They have exchanged a contract within the last few days, but the matter has been depending for some time with regard to a large tract of ground called Tooting Beck, which consists of about 150 acres of land in the parish of Streatham, and which is a very beautiful spot; I dare say that honourable Members are very well acquainted with it. For that land the Board have agreed to give 10,000 *l.* for all rights which would have been at all interfered with, except those of Mr. Phillips, perhaps, and that was regarded as a beneficial thing for the public; it was considered that it was a valuable arrangement on the part of the public, because there were a great many questions depending, which probably would have had the effect of excluding the public, or of partly doing so, under all the circumstances. The Board of Works after a great deal of consideration deemed it a judicious and wise thing on every ground, to secure that land, and they contracted to secure it. The actual vendors to the Board were Mr. Drew and Mr. Flower, two gentlemen who lived in the neighbourhood, and who tried to secure this land for the public; they offered it to the Board for the benefit of the public, and the Board dealt with it on that footing. It is fully described in the Report of the Committee of 1865; it is a large tract of ground just at the corner of Streatham.

518. It is within the pink part?—Yes.

519. It is south-west?—Yes.

520. Is it within the green part?—Yes.

521. Mr. *Frederick Stanley.*] The green is the limit of the Board of Works?—Yes; it is the Board of Works limit, but not the police limit; the Board has a certain control over the pink.

522. *Chairman.*] Were any commoners to be compensated in that case?—Yes. The gentlemen who sell are the representatives of the lord of the manor, there are certain persons claiming common rights, and we have bought with a knowledge that there is a claim of those rights; we do not recognise them, and shall probably have to dispute them; of course we shall desire to deal fairly with them.

523. You have not bought upon the terms that the vendor shall settle with the commoners, but you have only bought the lords' rights?—Yes; and whatever rights exist we shall compensate them unless they can be preserved. Our scheme is to preserve all rights, if we can. The scheme of the Act is not to buy up rights. We wish that, if possible, all rights shall remain in the ordinary state of things, and not that we shall buy the property right out, but merely to leave the common in its existing state. If it should ever occur that the enjoyment of the common by the public should invade the rights of any private person, of course that private person must be compensated under the 15th section of the Act.

524. Then in the event of any scheme leaving the existing rights as they were, no purchase takes place?—No purchase takes place.

525. In the event of any scheme, which you contemplate under this Act of Parliament, interfering with the well-ascertained rights of any parties, you consider that they should be compensated?—Yes. If you turn to the 6th section of the Act, you will see that it does not contemplate more than that; it contemplates the ground being levelled, drained, and improved, but not much change of ownership, or probably at all. I should like to allude to the cases which have been more specially cases of some anxiety with the Board, namely, Hampstead Heath, which is a large space of 250 acres; Wimbledon Common, which is a large common of 1,000 acres; Putney Heath, 412 acres; Blackheath, 267 acres; Plumstead Common, 154 acres; Peckham 50 acres.

526. Is that Peckham Rye?—I believe that it is; then there is Wandsworth, 183 acres; then Streatham and Tooting Commons are in this paper bracketed, but you will have to exclude the portion of 150 acres to which I have alluded. Then there are Clapham and Battersea Commons, which are 331 acres. I will allude to each of these cases; in the case of Hampstead Heath, long before this Metropolis Commons Act which is under the consideration of the Committee was passed, the Board had been most desirous to secure the full benefit of that common to the public, and negotiations had been going on for years with that object. Sir Thomas Maryon Wilson, who was then the lord of the manor, entered into certain negotiations, and those negotiations were pending even at the time of the passing of this Act. I believe that this Act is a very valuable Act, and it was hoped that under it we might secure Hampstead Heath. Sir Thomas Maryon Wilson asked a very large sum for his interest in the common. The very year after the passing of this Act negotiations were renewed, but we found it scarcely possible to approach Sir Thomas, for we regarded the price which he demanded as so utterly inconsistent with the interests of the public, that the negotiation was suspended. A suit was then instituted by a number of gentlemen.

527. Were those negotiations strictly private and confidential?—I think that they were. To the best of my recollection I think that the sum exceeded 150,000 *l.*; it was a very large sum. Then

Then a suit was instituted, which practically had the effect of stopping the Board's operations, and the same has been the case with regard to many other commons. The view which the Inclosure Commissioners took of the construction of this Act was, that when a suit was instituted raising the whole question of right, or largely raising the question of right to the property, it would be inexpedient to deal with the subject; that it might perhaps only be raising an issue which would have to be determined in another way. The Commissioners thought that they could not go on with those cases, but hoping, I suppose, that these suits would very soon be disposed of; honourable Members, however, know that Chancery suits hang about for a considerable time; that has been the cause of the delay regarding Hampstead Heath. Sir Thomas Maryon Wilson died some few months ago, and I believe that an action at law which has been directed to be tried in the Court of Exchequer, would have been tried two or three months ago, but that the death of Sir Thomas Maryon Wilson caused an abatement. I believe that either the will has not been proved, or the parties have not taken the matter up, and the cause has not yet been tried.

528. That was a suit in which the rights of the lord, as such, I suppose were brought into contest?—Yes, the immediate object of the suit was to restrain Sir Thomas Maryon Wilson from building upon certain parts of the heath, and to have a declaration of the rights of the owners in that property. Of course the Board felt that it would be very advantageous to lie by, and to see what was done by the Commissioners, because it would save the public a considerable sum of money if that suit was determined in their favour; and we hoped that that suit would go on rapidly. That I believe is all that I need trouble the Committee with as regards Hampstead Heath, and it will illustrate two or three other cases.

529. Hampstead Heath of course would be included in this Act of Parliament?—Certainly, we should most undoubtedly deal with it at the very first instant that we could.

530. Mr. *Knight.*] Are the rights of the present Baronet the same as those of the late Baronet?—I believe so, as regards the common; as regards certain lands adjoining, I think that there may be some limitation.

531. Lord *George Hamilton.*] Is not the will of Sir Thomas Maryon Wilson contested?—I rather think that it has not been proved, it is therefore possible that it may be contested.

532. *Chairman.*] Does the present owner take as the devisee of the late owner?—No, it is under a very old limitation.

533. He is the reversioner?—I believe so; I believe that the present owner is either tenant in tail, or may soon become so by the birth of a child, or other event. There may be something rather in favour of the public, with regard to the accident of death. I will now go to the case of Wimbledon Common; that is somewhat in the same position. The whole of that common is not in the pink area; there is a very small portion of it which would just give the Board jurisdiction as to a part; in that case unfortunately there is the same thing as in the case of Hampstead Heath; when I say, "Unfortunately," I do not mean it in the slightest degree offensively to anybody. I have no doubt that the parties who instituted the suits did so in perfect good faith. We have been in communication with Lord Spencer upon the case of Wimbledon Common; and it is merely fair to his Lordship to say, that I think that he has shown a kind feeling, and a great desire to advance the interests of the public, so far as he could; but looking to the rather extreme view which either party takes as to the rights of the commoners on the one hand, and of the Earl on the other, I may say, I fear that it will be a very long while before these questions are determined. With regard to Putney Heath, I do not think that there has been any litigation yet in that case; no great steps have been taken with regard to it, and I am not at this precise moment in a position to state what the parties wish to do with respect to it. This Act stops inclosure, and therefore no mischief has gone on except the natural building, and the destruction thereby of all open spaces within the Metropolis.

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534. There is a very rapid covering of these open spaces?—Yes; that is a point to which our Board rather earnestly call your attention. Parliament intended that they should be breathing places for the Metropolis, but looking at the rapid way in which building is going on round London, as every honourable Member sees, in all directions, even if it does not actually interfere with the commons, the bad air and the taking away of all the natural advantages are very great drawbacks.

535. Mr. *Knight.*] Do you think that the Metropolitan Board of Works would be willing to purchase all these other commons, upon the same terms as those on which they have purchased the first common which you have mentioned?—If the Metropolitan Board were prepared to buy all these commons, the amount which would be requisite in order to buy them would be enormous. The fee-simple value of all the commons within 25 miles round London would be immense.

536. In the case of Hampstead Heath, Wimbledon, Putney Heath, and Peckham, would that remark apply?—The Metropolitan Board of Works would be anxious to change the rights as little as possible. The great object which the Board wants to promote is that the public shall be able to go over these commons, but the Board does not wish to take away the rights of cutting fuel, the rights of digging gravel, and so on. I am afraid that under the present law we cannot interfere with them. Take the case of Blackheath; we have been extremely anxious about it; the right of the soil is partly in the Crown, partly in Lord Dartmouth, and partly in the trustees of Sir Gregory Page Turner, and somebody else. We have prepared a draft memorial to the Commissioners to give effect to the Act, and we have adopted, as nearly as possible, the language of section 6, that is to say, that a body shall be appointed (we suggest the Metropolitan Board of Works if no more convenient body can be found) for the making of bye-laws and regulations for "the prevention of nuisances, and the preservation of order thereon." Now, it appears to the Board that that was the scheme, and object of Parliament, as much as possible, to preserve these spaces as open as they are, and not to inclose them, or make parks of them, or make private fields of them, but to give the public the advantage of roving over them as far they can, but not to interfere

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interfere in the slightest degree with private rights.

537. How can you distinguish that from making a park of them?—For this reason, that if you make a park you inclose it, and you exclude everybody else; the owner of a common has a qualified right; the lord of the manor, for instance, has no right except in some particular cases, to inclose the property; he may have to get the consent of the homage to the inclosure, or 50 things may occur before he can inclose, but supposing that we found a case where the prejudice to the public would be very great by the lord inclosing, we could buy up the land under section 15 of the Act.

538. *Chairman.*] With regard to Blackheath, what became of the proposal?—We asked the Commissioners to interfere; that memorial has never been practically presented, but we sent it round to a great many persons who were interested in the matter; Lord Dartmouth received it with great kindness; he much liked the plan. At Blackheath on a Sunday the people go riding on donkeys, and they gamble, and it is very difficult to control them; the police hardly like to interfere, and it is a place which is very much neglected, and it is almost a scandal; therefore, Lord Dartmouth was anxious to assist the Board in every way that he could with regard to keeping order and putting the place under some authority. Then some question arose with regard to gentlemen inclosing. The districts around asked the Board to make some variation in the plan, and that plan is under consideration. But I am quite in hopes that under what is shadowed forth in section 6 of the Act, we can bring about some good under this Act of Parliament with regard to Blackheath.

539. What is the case with regard to Plumstead?—Plumstead is precisely in the same situation as Hampstead; we were solicited a very short time ago to prevent a very large inclosure which was threatened there for building purposes, and so on. The Board instantly took the matter up; they felt that it was a most pressing case, and that if it fairly came within the Act, it was their duty to lay it before the Inclosure Commissioners, and we did so; the Commissioners considered the matter, but they thought that as there was a suit, and as certain steps had to be carried on in order to determine the rights of all parties, they must defer going on with the matter until the termination of that suit. I have been constantly waiting upon the solicitors who are concerned, for the purpose of ascertaining the state of this suit; and I hope that early in November it will be disposed of.

540. What is the case with regard to Peckham Rye?—I am not quite able to state how that is.

541. Has not the scheme taken effect there?—I rather think that something has been done.

542. The next case is Wandsworth?—With regard to Wandsworth Common, it is in precisely the same position as Wimbledon, except that I believe that that is about the worst case of a common near the Metropolis; I would rather that that statement should not rest upon my authority. In the Report of the Committee of 1865, you will find that a very full account is given of that common, and it is a most unusual one. I myself went with an officer of the Board to look over it. I saw Lord Spencer's solicitor; Lord Spencer was exceedingly reasonable and kind about it; he admitted that the common ought to be dealt with in some way by such an authority as the Metropolitan Board of Works. I believe that there is no doubt that he felt that the refuse of the gaols, and persons who have no place to go to, constantly sleep upon that common. There is no doubt that it is quite an abomination.

543. Have you submitted any scheme to the Commissioners?—We have been deterred in the same way as with regard to the other commons which I have mentioned. We have prepared a scheme, and I certainly hoped that we might have carried a limited scheme, so as to have acquired the protection of the common, at any rate, pending this suit. I was courteously furnished with a copy of the answer of the Earl to the Bill which had been filed; but when I found that the Earl took such a very different view of his rights from that which was otherwise taken, it appeared perfectly hopeless to go on with the matter until the suit was over.

544. Was it a suit between the lord and the commoners?—Yes, the commoners denying largely the rights of the lord, and asserting rights of their own, and asserting that encroachments had been largely made, which had been made by the Earl; and the Earl, on the other hand, asserting that those encroachments were perfectly consistent with the law of England. At all events, that is the difficulty which has been interposed with regard to these larger commons to which I have called the attention of the Committee. I think that that will pretty well dispose of the larger commons. Now there are other commons in the Metropolis which the Board have also been most desirous to deal with, if they could. One of those commons is an interesting common, which is called the London Fields, at Hackney; it is a tract of ground which most certainly ought to be secured by somebody; there are lammas lands there. It has been suggested by the Inclosure Commissioners that a difficulty arises upon the construction of this Act, and that it cannot positively apply to lammas lands. Of course, I must speak with all possible respect, but I confess that the difficulty rather staggers one, and yet to a certain extent we have felt it to be our duty to yield to the difficulty, at all events, pending a Bill, on the back of which is the name of the Chairman of this Committee. In the 3rd section of the Metropolis Commons Act of 1866 the definition of the word "common" is "land subject at the passing of this Act to any right of common." Now, it did appear to our simple minds that it was hardly possible that those general words were not designedly and carefully used in order to prevent any misapprehension. I never saw such extremely strong words. I believe that no one denies that lammas land is a right in a common or right of common. Mr. Wingrove Cooke, and every authority, I believe, who has written upon this subject, clearly treat a lammas right as a right of common. It is said that in one or two of the sections of the Act, there are the words, "lords of the manor," with reference to commons, and that that creates a difficulty, and it is therefore said that unless you find a lord of the manor concerned, and a common where there is a lord of the manor, the Act does not apply. What the Board thought it right to do was this: of course it is our duty, so far as we possibly can, to concur with all bodies who have the same object as ourselves

ourselves; the moment that this difficulty was made the Board determined to have the best advice which they could get; and if the difficulty had been persisted in, and if this Bill had not been pending, it would have been an absolute duty on the part of the Board to have tried this question by a mandamus, because to have given up this point, upon such a construction, would hardly have fallen within the duty of the Board. But this Bill, which has been brought in, gave the Board an opportunity of considering whether the Act should not be amended if the Board desired it. We desire, by no means, to give up this point, and if this Bill should be delayed, or should not pass, the Board reserve their right to have this clause interpreted in the way in which they conceive that it should be interpreted. But we now respectfully submit to the Committee that a clause should be introduced into this Bill to make clear that which in the mind of somebody may be a little doubtful, and, therefore, we propose that there should be introduced into that Bill a clause to the following effect:—"The term 'common,' in 'The Metropolitan Commons Act, 1866,' shall be deemed to include all such lands as are described in section 11 of the general Act to facilitate the inclosure and improvement of commons passed in the Session of the eighth and ninth years of Her Majesty's reign (chapter 118), and the power by 'The Metropolitan Commons Act, 1866,' vested in the Commissioners, of making a scheme, may be exercised on a memorial in that behalf presented by any person claiming any estate or interest in the soil of a common as well as by any such person or body as is described in section 6 of that Act."

545. The general Act which is there referred to is the Act of 1845?—Yes. This is the section which was introduced into the Act of 1845, and I am assured that the rest of this clause after the first few words was struck out, because it was not considered necessary: "And be it enacted, that all such lands as are hereinafter mentioned (that is to say), all land subject to any rights of common whatsoever, and whether such rights may be exercised or enjoyed at all times, or may be exercised or enjoyed only during limited times, seasons, or periods, or be subject to any suspension or restriction whatsoever in respect of the time of the enjoyment thereof; all gated and stinted pastures in which the property of the soil, or of some part thereof, is in the owners of the cattle gates, or other gates or stints, or any of them; and also all gated and stinted pastures in which no part of the property of the soil is in the owners of the cattle gates, or other gates or stints, or any of them; all land held, occupied, or used in common, either at all times or during any time or season, or periodically, and either for all purposes or for any limited purpose, and whether the separate parcels of the several owners of the soil shall or shall not be known by metes or bounds, or otherwise distinguishable; all land in which the property or right of or to the vesture or herbage, or any part thereof during the whole or any part of the year, or the property or right of or to the wood or underwood growing, and to grow thereon, is separated from the property of the soil; and all lot meadows and other lands, the occupation or enjoyment of the separate lots or parcels of which is subject to interchange among the respective owners in any known course of rotation or otherwise, shall be land subject to be inclosed under this Act." We venture to suggest that the words which I have read might be very usefully introduced, in order to prevent doubt in the Metropolitan Commons Act, which is now before Parliament. That is a simple copy of the Act as it is before you, except the latter part.

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546. That is a description in detail of every kind of land subject to the rights of parties?—Yes; I believe that that is really what passed in the mind of the gentleman who drew this Bill; perhaps he has tried to be rather too short.

547. Your first suggested amendment, with reference to the Act of 1866, is that there should be some clearer and more conclusive definition of the word "common," so as to make it wide enough to include lammas lands among other things?—Yes.

548. And your mode of doing that would be by inserting the words which you have read?—Yes.

549. Can you suggest any other amendments in the Act of 1866?—Yes; at present all inclosures under this Metropolis Commons Act are stopped. The form which must be gone through is, that a memorial must be presented to the Inclosure Commissioners, and then the Inclosure Commissioners, if they think fit, and only if they think fit, may prepare a scheme; no doubt it is in very good hands with them, but looking at the very large interests involved, it is a question whether it should not be compulsory upon the Commissioners to prepare a scheme; it can only be a question of expenses, and if they are indemnified, that question cannot arise. If the local authority are enabled to provide against expenses of that kind, it occurs to us that there might be a very advantageous change in this Act by providing that the Commissioners should be compelled to prepare a scheme; at all events this might be done; at present the Commissioners have only the power to hear any explanation, and to receive any information which parties may be willing to give. Now certainly that is a most unsatisfactory state of things; we are ourselves repeatedly met with this objection; we are particularly desirous to ascertain the property and the holding; we cannot get it; the parties by design conceal it from us; the deeds are very often not registered. Now if the Inclosure Commissioners had given to them clear and distinct power to obtain that information, it would be a great benefit; and why they have not that power I cannot conceive, because they have it under the Inclosure Acts. They may call for witnesses like Commissioners in Bankruptcy, and in the same way; in the Court of Appeal upon a rate, parties may be compelled to produce books in order that those books may be examined, and if that examination tends to injure anybody, the presiding judge will of course take care to confine it within proper and practical limits.

550. Does it not occur to you that it is expedient to refrain from inquiring into these doubtful rights; you do not propose to interfere with them?—There may be cases where we must compensate the parties, because there may be rights which we must try to get rid of, or to buy up.

551. But does it not occur to you that the proof of a right where there may be compensation, rather devolves upon the person claiming it than upon you who wish to preserve in *statu quo* all rights?—I quite agree with you there; the Act goes the length of enabling the Commissioners

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sioners to desire all information, and to a certain extent makes it imperative upon them to do so; they are to hold meetings after they have a scheme, and they may invite any persons to come before them in order to state their rights, which we must pay for under section 15 of the Act, if we take them away or interfere with them; therefore, in practice there are rights which it is most desirable that the public should possess, or to a certain extent clear away, and consequently, unless there is a compulsory power, we are not able to ascertain them satisfactorily. In one case we are negotiating within a few miles of this building, to see whether it would not be worth our while to buy up the property.

552. An unascertained right, for the purpose of taking action under this Act, is no right at all, and why should the local authority, whatever that authority be, take pains to ascertain and define unascertained and undefined rights for the purpose of giving compensation?—It is not for the purpose of giving compensation. I dare say that I have not made myself understood. In the case of common rights there is, perhaps, a right which we cannot get at, and how can we ascertain it without compelling the production of books?

553. Why should you do so?—It might be a very profitable thing for us to buy the rights of that party. Supposing that he has an unlimited stint over the common, he may say, "You shall not come over the common at all." We may say, that if we can get rid of that interest for a few hundred pounds we will not have a litigation going on between the claimant of that interest and the public, but that the public shall have the full enjoyment of that common. But at present, when a scheme is prepared, we cannot compel the parties to state their right either from books or from other evidence. There is a power in some Commissioners to compel the production of information, but we have no such power.

554. Does not the onus lie upon any person who claims such a right to prove it, and in the absence of that proof, would not the duty of any local authority under this Act be not to touch anybody's rights, but to prepare a scheme for management under the Act?—One of the sections of the Act of 1866, namely section 14, states, "Every scheme shall state what rights (if any) claimed by any person or class of persons are affected by the scheme, and in what manner and to what extent they are affected thereby." So that the obligation is really thrown upon us; and when you read section 15, you will see that it is so, we having to ascertain what money we have to spend, and what right we have to litigate. I quite agree with you that it is for the party, before he can establish a claim against any local authority, to make out his own case, but I am looking at sections 14 and 15 of this Act.

555. I will put a case to you. You propose a scheme with reference to a common, and there is the ordinary right in the soil which the lord of the manor has, and he may have other rights as to digging gravel, and so on. The commoners may have a right to stint, or otherwise. Your scheme proposes to leave the lord his rights, and also to leave the commoners precisely as they are, how does the 14th or 15th section of the Act come into operation at all?—In that case it would not come into operation. In one case the lord might dig gravel advantageously, but in other cases it might be extremely advantageous to dedicate only a part of that common for digging that gravel, and for making roads and other things. In working that matter out, it requires great care. What we have to look to in these cases is the money. In small villages, and districts, and towns, the people find a moderate sum of money, but not a large sum. We find it so here. We shall have to be very careful that we do not pay more than we ought to pay, or we shall be very much blamed, and we shall make the Act of very little use if the expenses are to be so very great. We must take care not to compensate anybody whose rights are not distinct.

556. The more you increase the machinery, so as to ascertain undefined rights, the larger you increase the expense?—No doubt.

557. In nine cases out of ten, may not a scheme of management under this Act steer entirely clear of such a question?—Some schemes may do so, and some may not. In practical experience, we find that it cannot be done in all cases. The scheme of the Commissioners is generally made from the memorial. In our memorial we generally set out, as far as we can, the exact state of the property, and to whom it belongs, and we pray that the matter may be inquired into. When the Commissioners inquire into it, and look at the Act, they say, "We can help you so far as to receive the information which parties are inclined to give us, but no farther."

558. Then, to this extent you agree with Mr. Ridley, that under this Act, the powers should be as great as under the General Inclosure Act?—Yes, but only where we ask for those powers, for the purpose of necessary explanation. I was not aware that Mr. Ridley had suggested anything of the kind.

559. That is your clear opinion, notwithstanding the views which I have been putting to you?—I think so.

560. Is there any other point upon which you think that the Metropolitan Commons Act requires amendment?—I have thought that it is a question whether we should not have some more rapid and satisfactory tribunal than the Court of Chancery.

561. When are you driven to the Court of Chancery?—We are only driven to that Court by a section of the Act which enables that Court to send any issue to trial.

562. It would be difficult in an Act of Parliament to deprive the parties of their right to go to a court of law?—Certainly; and I do not propose it, but I think that in the Act of Parliament there are clauses for summoning juries.

563. That is appointing another tribunal for ascertaining the rights?—Yes; I would take care to reserve the power of the superior courts to interfere in cases where it became absolutely necessary, but I think that the powers of the Act of Parliament should not be actually stayed during the progress of suits of this kind.

564. In your opinion has there been as much action taken under the Act of 1866 as could reasonably have been expected?—From what I have explained to the Committee, I think that these suits have been the chief cause of the hindrance.

565. In point of fact, I suppose that more than half of the schemes which might have been perfected under the Act of Parliament have been stopped by reason of suits in Chancery?—I think that I may say much more than that; we begin with Hampstead Heath and Wimbledon Common; this

this does not apply to Blackheath; the case of Plumstead Common has been delayed by these suits; the same thing applies to Wandsworth Common; we are going on with the case of Streatham Common. Those are all the cases of large commons.

566. As regards the lammas lands, they are not supposed to come within the Act?—Just so; and even if they did so, when we talk over the matter with the Commissioners as to how it is possible to get the information, they say very properly that they have not the power to compel the parties to give the information.

567. In your, judgment, considering the rapidity with which the population of the Metropolis is increasing, it is desirable that Parliament, acting on the policy of the Act of 1866, should more or less increase the radius over which the protection extends? — That is a question which almost lies upon the surface; if it is good to embrace an area of 15 miles, it will necessarily follow that it is almost essential that you should extend the area to 25 miles, when we see how London is being pushed out. The people do not obtain the advantages which it was supposed that they would get even when that Act of Parliament was passed. If you take the case of the South Western Railway; it is my fate to come up and down by it every day; for three miles that district is being built on, almost in a line. As regards spots which formerly were valuable, from the smoke and other causes these places become comparatively inaccessible, and therefore, when you see the thorough enjoyment of the people in going out to these spots, and how necessary they are as an element of morality, one may say, and certainly of health, and of comfort and enjoyment, the Metropolitan Board of Works, to whom it is a matter of great interest, would feel satisfaction in executing the duty, if Parliament thought it right to impose it upon them.

568. The proposal is to extend the Act of 1866 over a larger area, including all open spaces comprised within it. It has been suggested that a better plan would be to select certain open spaces on different lines of railway all round the Metropolis, and to purchase all the rights in them, and to inclose them by making them parks, and that that would insure the health and enjoyment of the people to a greater degree, and on a better principle, than is proposed by this Bill. Do you concur in that opinion?—Most assuredly not. I think that it would be defeating the whole object and everything which is stated in the Report of the Committee of 1865, and everything which is contained in the Act of 1866. What the parties want is to roam about ground which is in a state of nature. The Board have bought up two large parks, and having bought up all the interests, they have set them apart to the public at large. That is quite a different thing. What the Board and the local authorities would desire to do is to leave the ground in a state of nature, as far as one can do so, injuring nobody, and leaving open spaces where certain public rights are attached to them. It would never do for the Board to seize upon a plot of land, and to give it to the public. This Act of Parliament does not do that. This Act of Parliament only deals with the land where there are some public rights.

569. The regulations in a park are more or less rigorous, such as preventing the picking of flowers or the touching of shrubs and trees, and even to some extent wandering over the turf?—Yes, you must have the bye-laws very carefully settled by the Secretary of State, and there must be police officers. Certain parts are set apart for cricket and other things, which are absolutely essential to a park in the Metropolis.

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570. You attach importance to the freedom with which people can range over open spaces?—Yes; if I may say so, I do not see that there is any affinity between an open space and a park.

571. Mr. *Knatchbull-Hugessen.*] You have said that you would not like a plan, which I think was suggested by Mr. Ridley, that certain parks should be created in preference to this Bill, because it would not preserve the wild sports?—Yes; that is the idea which occurs to me upon the matter, and that is the general view of the Board as far as I know it.

572. Under clause 6 of the Act of 1866, there is power to make a scheme for promoting drainage, levelling, and so on; is that a scheme likely to preserve wild sports, or would it not rather render them the reverse of wild?—It would have that effect; I take it that the reason of section 6 is, that you may drain the commons, and may keep order and may make regulations and bye-laws so as to prevent these open spaces and commons being made use of for political purposes, and gambling, and debauchery, and all sorts of things which are clearly inconsistent with the enjoyment of the people in open spaces.

573. Do you entertain the opinion which appeared to be entertained by the last witness, that his Act, having for one of its intentions the making of schemes for the regulation of these metropolitan commons, best carries out the object of its promoters by preventing such schemes being made, and causing the commons to be left just as they are?—I did not hear the whole of the evidence of the last witness. I think that an excellent principle is shadowed forth in the Act of 1866; I think that the principle shadowed forth in that Act is a most just one, and a most valuable one on sanitary grounds, and with regard to the health and comfort of the people; and I think that if this Committee should be of opinion that there are certain advantages involved in the due working out of this Act to the extent of 15 miles, it would be a very valuable thing, and a very great boon to the community to extend it 10 miles further.

574. *Chairman.*] It now practically goes 20 miles?—Yes, in some cases.

575. Mr. *Knatchbull-Hugessen.*] You think that London is so extending that the provisions applicable to the metropolitan district might well be extended?—I think so, after seriously looking at the matter. We are brought so much into the different districts by the constitution of the Board, that I think that there is a very strong feeling that Parliament would confer a benefit upon the Metropolis if the Act were extended.

576. What was the size of Tooting Beeke?—I think that it was 150 acres.

577. Under what section of what Act did you purchase it?—We should buy it under the provisions of the Act of 1866, sections 14 and 15; we should consider that these are rights which would interfere with the rights of the public, and that we should extinguish those rights, and vest them in the Board.

578. Has your scheme been sanctioned?—No; the matter has been pending for a long time. There was a suit with regard to this very common

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mon which delayed the Board in its proceedings; that suit was dismissed. Mr. Carpmael, a member of the Board, and a most excellent and worthy man, first effected the purchase of Tooting Beeke, but he died.

579. Can you state the cost to the Metropolitan Board of Works of that purchase?—A sum of 10,000 *l.* for the main purchase has been agreed to, but that is subject to the approval of Parliament. There is a clause that if Parliament should not sanction the scheme in a given time, the parties may abandon it, paying the expenses.

580. Out of what rate will that money come?—From the whole of the metropolitan rate.

581. Do you think that it would be an amendment if it was provided that a portion of the land to be dealt with should be sold to defray those expenses?—If I speak on my own account, I have a great objection to sell such land. I think that these lands have such interest in themselves, that it is a pity to do anything of the kind; but, possibly, there might be circumstances where it would ease the burden of the purchase by selling certain parts of the land, and where you might advantageously sell them. I do not think that you can lay down any rule with regard to it, but, speaking generally, I think that it is almost a pity to cripple these useful places by any attempt to build upon them, because the real advantage is to keep them open.

582. Are you aware that in the Act of 1866 there is no power to sell any land?—I am.

583. Do you think that such a relaxation as would leave the power of sale to any local authority would be a desirable measure?—If you did that, I think that it would be extremely desirable to limit the exercise of that discretion to some small portion of land. I think that it would be a pity to give a large discretion to any authority. I think that if you did so, you would neutralise the object.

584. The dispute in the Wimbledon case was not between the lord and the commoners on the one side, and the public on the other, but it was between the lord and the commoners?—Yes, and that has been so in almost every case.

585. Lord Spencer's wish, as I believe, and as he expressed, was to promote a settlement of the subject, and to get rid of certain nuisances which had been very much complained of, and to obtain the recognition of his rights of property, and to put all rights upon an equal footing?—Lord Spencer gave a general expression of willingness to assist the Board; he thought that the object was so valuable a one, at all events as to police regulations, and regulations which should be applied to that common, that I have no doubt that his Lordship would have concurred in that scheme; but when we saw the answer which was filed the other day, which claimed such very large rights, it appeared to us that while this Bill was pending, we could hardly expect the Inclosure Commissioners to go on with the matter, until the suit was heard and disposed of, unless you gave us an interim remedy, which I think is well worthy the consideration of the Committee.

586. You are inclined to doubt the interpretation which is put upon this Act by the Inclosure Commissioners, and you think that it does apply to lammas and half-year lands?—Yes, I think myself that the words were intended to apply to every common. If Parliament had intended to cut down the general words, they would have done so decidedly. In a pretty long experience of Acts of Parliament, I have not often seen more general words in my life.

587. The words are, "the term 'common,' means land subject at the passing of this Act to any right of common"?—Yes.

588. Might not a subsequent question arise upon that, as to whether it is a right of common, extending throughout the year, or whether it applies to lammas land, which is not common throughout the year?—I think that that would be a very narrow construction of the Act. It goes on to say, "the term 'commoner,' means a person having any such right of common." The Act defines every word; it then proceeds to say, "the term 'manor' includes reputed manor; and those terms, as used in this Act respectively, refer to any particular common to which this Act applies, and to every person having a right of common in, over, or affecting that common, and to the manor of the wastes whereof that common is part."

589. Then you think that a person who has a right of common for two, three, or four months in the year, would be included in that description, although he has no right for the remaining eight months of the year?—I think that all the legal books which I have ever read treat lammas land as a clear right of common.

590. Are you aware that lammas land is land in which for six or eight months of the year, the right of inclosure exists while the crops are sown and gathered, and that the only right of common upon it is after the crops are sown and gathered?—Yes. It varies very much; lammas lands are different in different parts of England. The lammas land right supposes a right of soil in the owner of the lammas land, that is the general impression; but still I believe that all lawyers, in conveyancing and dealing with these matters, hold that it is a common right. The last edition of Mr. Wingrove Cooke's book certainly treats it so.

591. Then you do not think that any words are necessary to be added to the Act to define more clearly what the Legislature meant?—I would recommend that this Committee should be so good as to introduce a clause of this sort, because when a body like the Inclosure Commissioners have entertained a doubt, there is sure to be something in which somebody else will participate. I should have thought the point to be very plain, but it would be a most unwise thing to get into litigation, and to imperil the beneficial operation of this Act when we have the opportunity of correcting it by a short clause. Therefore I think that it would be a great advantage to amend the Act in that respect, rather than argue the matter before a court of law where the litigation might last for years.

592. You have said, I believe, that you think it right to make it compulsory upon the Commissioners to prepare, or to sanction, a scheme?—Yes; I think something of that sort would be desirable, at all events to exercise the extent of their preparing a scheme as far as the power which they, I think, should possess, of citing parties before them, and making them do that compulsorily which, at present, the Commissioners are only empowered and required to seek from them if volunteered.

593. Do you think that it would be well that the Commissioners should take the initiative in these cases, instead of waiting, as they are now required to do, for local action?—I have not considered that point, but I think that the local action would be pretty effectual, because I think that the

the interest of parties is getting pretty well aroused upon these matters; and I think that a great deal would have been done except for the long litigation which has been subsisting; and I think that a great deal will be done after the litigation is determined.

594. Then, you think that it should be compulsory upon the Commissioners to prepare a scheme after a memorial had been presented to them?—Yes.

595. You do not think that it is desirable that some independent body in London should take the initiative in preparing these schemes?—I should be very sorry to see any body excluded, but as the principle of local self-government is so rational a one, I think that the people would prefer to send persons themselves to suggest the matter to the authority.

596. Do you think that persons at a remote part of the area which you tax are at all wronged, if against their inclination they are taxed for a common at the other end of the district?—I think that it is a common benefit.

597. It is a common benefit for those who go on to the common?—If Parliament is wise in fixing upon an area of 25 miles, or rather adding something like 10 miles to the existing area, I do not think that there can be a hardship in taxation; it will interchangeably work round so that all will be benefited.

598. If the power of sale was exercised here or there, the locality would be relieving the general body of taxpayers?—Yes; and that is worthy of grave consideration.

599. Do you not think that that is a reason why a discretion should be left somewhere?—Yes; that, no doubt, is an important reason.

600. With regard to the compensation, do you think that the powers which are given are sufficient to enable you to find out what the proper compensation is in these cases?—I think not, and that is why I have ventured to suggest that the Commissioners should have the power of compelling parties to disclose the grounds upon which they claim their rights, if they require it; they of course would be very careful not to require it, except in cases where they really wanted it; because it is for the claimant to make out his case.

601. If due and full notice of an intended scheme is given, and if full opportunity is given to everybody to put in his claim to common rights, and if anybody neglects to do so, do you not think that he should suffer from his own neglect, and that the promoters of the scheme should not be afterwards called upon to consider his case?—Certainly; but that is not the point where I suggest a remedy; I suggest it at an earlier stage. I suggest that, at the moment when a memorial has been presented, we should be able to say to the Commissioners, "We require such-and-such information, and we want to know the character of the interest," and anything which we think it right to ask the party for.

602. Then, in short, you think that the powers under the seventh section of the Act of 1866, which enables the Commissioners to "make such examination and inquiry as they think necessary or proper in relation to the subject matter of the memorial," should be extended?—Yes.

603. Mr. *Bonham-Carter.*] You are the solicitor of the Metropolitan Board of Works?—Yes.

604. You advise them upon legal matters?—Yes.

605. Are you aware of a petition which was presented from the Metropolitan Board of Works with regard to Wisley Common?—Yes.

606. May I ask whether you personally advised upon that petition?—I dare say that it fell to my lot to have to draw it, or settle it. I did not originate the petition; I have no doubt that the instructions were given to me to prepare the petition.

607. This was a petition to Parliament?—I recollect it perfectly.

608. Will you kindly inform the Committee what steps the Metropolitan Board of Works took to ascertain whether the statements which they made with regard to Wisley Common were facts or not?—I believe that any duty upon that matter was confined to my preparing the petition which the Board directed me to prepare. What steps they took I do not know, but I know that their chief surveyor, or an assistant surveyor, went down to view the common.

609. Are you aware that that petition stated, "That such land is not correctly described by the Inclosure Commissioners in their 24th Report, as 'pasturage of very small value,' but is of great increasing value as building land, being intersected by a high road throughout its whole extent"?—I cannot charge myself with that; I will read the petition; I know nothing of the facts; I get my instructions, and I act upon them.

610. You are not aware what steps were taken before a statement of facts, with regard to the common, was submitted in a petition to Parliament?—I recollect this case because I was invited to go and look at this common, which I should very much have wished to do, but from my engagements I was unable to go; but a gentleman in the surveyor's office was directed to go, and I know that he went down and looked at the common, and to the best of my belief he reported upon it.

611. Are you aware that, as a matter of fact, the statement that the land is intersected by a high road throughout its whole extent is not true?—I never saw Wisley Common, and I know nothing about it; I was simply instructed to prepare that petition.

612. Will you read the next clause; did you advise the Metropolitan Board of Works that they should present a petition, asking for this common to be "disposed of to the highest bidder, and the proceeds applied in procuring additional parks or open spaces for the use of the people, or in the reduction of taxation for parochial relief"?—I gave no advice whatever upon the subject; if you are acquainted with the proceedings of a Board like that, you will be aware that a resolution is carried, and that the solicitor receives instructions to prepare a petition, and that is all that I did.

613. Was it not within your competence to advise that such a statement was entirely contrary to the existing state of the laws with regard to the rights of property?—If I did prepare such a petition (which I do not recollect), I knew nothing of the facts; the petition was sealed that afternoon and was presented, because it required the greatest dispatch. The attention of one or two members of the Board was called to this inclosure: a resolution was carried that a petition be presented to Parliament, and I suppose that the Board stated the facts according to their then information and impression; but I cannot be responsible for the facts, for I knew nothing about them.

614. *Chairman.*]

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614. *Chairman.*] You acted ministerially?—Entirely.

615. Mr. *Bonham-Carter.*] This petition, in fact, petitions Parliament to dispose of this common to the highest bidder, and to apply the proceeds in purchasing parks?—I see that it does.

616. Is that consistent with the practice of the Board with reference to Tooting Beeke?—The opinion which is expressed in the words of the petition, I suppose, was the opinion of the gentlemen who moved the resolution to petition.

617. Is it consistent with the practice of the Board in the case of Tooting Beeke; did not the Board in the case of Tooting Beeke, in fact, purchase the rights of the lord?—Clearly.

618. Then, in fact, the practice of the Board does recognise the duty of purchasing existing rights, with the object of obtaining places of recreation for the people?—Yes, clearly; the Board cannot help themselves; they are compelled to do so under section 15 of the Act of 1866, which is framed for the express purpose, and which states that, "No estate, interest, or right of a profitable or beneficial nature in, over, or affecting a common, shall, except with the consent of the person entitled thereto, be taken away or injuriously affected by any scheme, without compensation being made or provided for the same." Therefore it is not a question of practice, it is compulsion.

619. Did you not, in fact, purchase the right of veto of the lord, which exists and is recognised under the Act of 1845?—Yes, it was to get rid of all claims which would have impeded the enjoyment of this common by the public.

620. And, it in fact, gave you the power of inclosing, or preventing the inclosure, of that space?—Yes, as regards prevention.

621. And that you paid for?—Certainly.

622. But you say that to do it on a larger scale would involve millions of money?—I speak haphazard but it must occur to the mind of anybody that, if you took that map and bought up the fee simple of all that land, the price would be enormous.

623. Mr. *Winn.*] Do you not think that it would be more important to fix upon some large spaces which might be obtained for public use rather than to give a deficient area of 25 miles radius. Supposing that there were a large desirable space beyond the 25 miles radius, would it not be more desirable to obtain it, supposing that it was particularly accessible to railways Supposing that a place 30 miles off was particularly accessible to railways, would it not be more desirable to secure it rather than some place not so accessible within 25 miles?—It would be a very valuable thing to do, but you must have some guide; there must be either an area defined, or a certain distance. The principle of securing those open spaces, whether done by a radius, or by scheduling the names of places, would no doubt be equally valuable to the public, and perhaps your idea could be carried out by having some special places in addition to the radius.

624. The district is so differently furnished by railways, that some places even further from London might be exceedingly accessible?—Yes; that is an important idea; I think that it might be desirable to have that as an appendix to the other; perhaps the same object would be attained if the Bill of Mr. Cowper were passed, but I think that it would be a very great comfort and advantage, if we could begin by securing the 25 miles radius.

625. But what Mr. Ridley suggested, was that certain places should be taken out?—I think that it would come to very much the same thing, because any local authority which was inclined to do its duty, and which was careful, would suggest very much the same space.

626. In one direction out of London there are a great number of such desirable spaces, and in other directions there are a small number of them, that was the ground upon which Mr. Ridley made that suggestion?—We should get authority under the Act if that radius was taken, and therefore we should select the places according to the expediency of the case, and the benefit which would be conferred upon the public.

627. What has been proposed by Mr. Ridley is that some commons should be excepted?—It would seem almost a pity to except them if they came within the benefit and scope of this Bill; the matter is always controlled by public opinion.

628. If this Bill passed, those commons could not be inclosed, even if they were not wanted for the public, without a special Act of Parliament?—Certainly; if you extend this Act to any radius upon which you may determine, it may be so comprehensive that it may include anything, and you would depute it to a public body.

629. Without its being of any service to the public, might you not be preventing the possibility of inclosing other spaces if you adopted a radius of 25 miles, because there might be some spaces so small as that it would not be desirable to have them as open grounds, and where it would not be worth while to obtain a special Act?—No doubt; that point is very well worthy of consideration.

630. You said that you gave 10,000 *l.* for the lord's rights over the 155 acres of land at Tooting, is it not likely that in the case of other commons; even though you bought out the lord's rights you might have the owners of instituted rights of common coming in, and saying, "Before we submit to admit the public to the free use of this ground, you must compensate us"?—Yes; but I think that you must treat Tooting Beeke as a very exceptional case; it is within a very few miles of the Metropolis, and the Board considered they had made a very good bargain.

631. Suppose the case of another common?—I think that another case of that kind will hardly ever occur. That is a very peculiar case; I doubt whether the Board would hastily proceed to deal with another common in the same way as they have dealt with that common. It was considered of the highest importance to secure that common at once, because if they had not secured it at once, they perhaps would never have secured it at all. With regard to other commons, probably the Board will not feel themselves justified in interfering with them unless there is a public right in them, because we do not propose to deal with any case where there is not some right of the public.

632. But you propose to admit the public to an unlimited use?—No, not to an unlimited use, but only to ranging over the commons. This Act in the 6th section says, "A scheme for the establishment of local management, with a view to the expenditure of money on the drainage, levelling, and improvement of a metropolitan common, and to the making of bye-laws and regulations for the prevention of nuisances and the preservation of order thereon."

633. Might you not have commoners coming and

and saying, "We will not consent to the public using these grounds in this unlimited manner, unless you compensate us for the damage done to our pasture"?—Yes, and we might be compelled to pay such compensation, and it might be very prudent to do so; in some cases, no doubt, we should have to do so; if you treated the matter as buying up land, it would be a very serious thing. The common has very often been little used, and the rights have been disused, and the lord of the manor has, perhaps, never kept up his rights. I believe that I could mention one or two cases, within six miles of this place, where the lord of the manor has no court rolls, and has very much neglected his interests, and so have the tenants, and so have the copyholders.

634. Lord *George Hamilton.*] From your experience can you offer any suggestion to the Committee with regard to Hampstead Heath, by which you think that a satisfactory arrangement might be made with the lord of the manor?—I think that that matter had better be dealt with by the declaration of a court of law rather than in any other way. When we see what the practice of the lord, and of the Commissioners is, we can very much better suggest what should be done. The commoners say that the lord has no right to dig gravel, and has scarcely any rights which should interfere with them; on the other hand, the lord says to the commoners, "You have disused the common so long that I will take every one of my rights." That suit, no doubt, is perfectly justifiable, and may turn out to be very useful, because any rights which exist must be dealt with and decided upon.

635. In a case like that where the lord of the manor asks a large sum for compensation, you would not suggest that any small part of the common should be sold?—That point would require a great deal of consideration. The public, I think, would be so jealous of any part of Hampstead Heath being sold, that it would give great dissatisfaction if any part of it was sold. Before Sir Thomas Maryon Wilson died, I learnt that possibly something of that kind might be done, and that other land might be given up to the family, if the rest were given to the public; but I do not think that it ever assumed the shape of a definite plan.

636. Mr. *Johnston.*] Have you any doubt as to the advisability of the purchase of the rights over Tooting Beeke?—I think that it has been considered by all parties concerned in it as a very important thing.

637. Has it not been held to have prejudicially affected the case of the inhabitants against the lord of the manor of Tooting Graveney?—I think not, nor do I think that it can do so.

638. Was not the general opinion of your Board somewhat unfavourable to the Act of 1866 when it was introduced; but since it has been passed, have you not found its advantage, and promoted schemes under it?—So far as my recollection or knowledge goes, the Board always looked upon this Act as being a valuable one; not as being perfect, and not as conferring all the good which it might have done, but they thought that the principle was valuable.

639. What schemes have the Board actually presented to the Inclosure Commissioners under that Act?—I have stated the cases which have been under consideration, but we have actually not carried out a single one.

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640. What schemes have you presented?—Plumpstead, I think, is the only one. There are several schemes prepared, and which would have been carried out except for these suits, but I think that the only scheme which was actually presented was Plumpstead; London Fields, Hackney, is another case.

641. You know that a scheme has been presented for Wimbledon Common by other parties?—I believe so; but it was never acted upon. I believe that the Commissioners were obliged to suspend their proceedings upon that case on account of litigation.

642. Are you aware that the plaintiffs in the various Chancery suits now pending pray the Court to clearly define the rights of common vested respectively in lords and commoners, in order that schemes under this Act may be obtained?—I am quite aware that they ask that the rights of all parties may be determined, but I am not aware that they pray that a scheme may be carried out under the Act

643. If a scheme were prepared for a common which would not injuriously affect any rights exercised by the commoners, in your opinion would it be necessary to give compensation to anyone?—None whatever; that is what we are most particularly desirous to be careful about in our proceedings, namely, that we may not compensate parties who have no right to compensation.

644. Is it not the fact that at Blackheath no rights are exercised beyond the right of common of pasturage, the Crown and Lord Dartmouth having waived their right to dry gravel?—From what we have seen and heard, I think that no one would assume that they have given up their rights; I rather think that those rights have been disused by the Crown for some time; I am not able to speak with confidence upon that subject; I recollect that it was stated in the Report of the Committee of 1865 that the Crown derived a rental.

645. Any lord or commoner of a manor may present a scheme to the Inclosure Commissioners equally with your Board as the local authority?—Clearly.

646. Mr. *Bonham-Carter.*] One of the witnesses who have been before us has stated that he would be glad if the operation of the Act were such that the commons should remain in their existing state; from your experience of the London commons, and especially with regard to what you have said with respect to Wandsworth Common, are you not anxious, as representing the public, that the commons should remain exactly as they are, but that under that Act there should be some beneficial control to prevent nuisances, and to change the present state of things with regard to the public user of the common?—Precisely so; in point of fact I would make the commons what everybody would desire, that is to say, I would make them useful, and I would drain them, and I would prevent nuisances, and so on.

Thursday, 8th July 1869.

MEMBERS PRESENT:

Colonel Barttelot.
Mr. Bonham-Carter.
Mr. Thomas Chambers.
Mr. Cowper.
Mr. Andrew Johnston.
Mr. Knatchbull-Hugessen.
Mr. Knight.
Mr. Charles Reed.
Mr. Henry Samuelson.
Sir Henry Selwin Ibbetson.
Mr. Rowland Winn.

THOMAS CHAMBERS, Esq., in the Chair.

Mr. Philip Henry Lawrence, called in; and Examined.

Mr. P. H. Lawrence.

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647. *Chairman.*] You are Solicitor to the Commissioners of Her Majesty's Works?—Yes.

648. You formerly took a great deal of interest in the preservation of commons in the neighbourhood of the metropolis, did you not?—I was professionally engaged for several commoners, and persons interested in several commons in the neighbourhood of London:—Wimbledon, Hampstead, and other places.

649. You have been so engaged for some years past?—I began to address myself to that subject in the year 1865, when the general movement took place.

650. You have therefore formed some opinion as to the means of protecting the commons in the neighbourhood of the metropolis?—Certainly.

651. And you have formed an opinion as to the most expedient mode which Parliament could adopt for accomplishing that object?—I have considered that question.

652. Have you any particular evidence to give to the Committee, or any suggestions to make with reference to the two Bills which have now been referred to this Committee as to any improvement in the machinery, or any extension of the area over which Parliament should give protection to open spaces?—I am not personally acquainted with many of the spaces lying between the area of 15 miles, and that of 25 miles radius, which, I believe, is proposed by this Bill; the only such space which I can at this moment remember, with which I am familiar, is Epping Forest, and therefore I should hardly like to give any opinion upon the expediency of extending the present area, founded upon my actual knowledge. The Committee can judge better than I can of that expediency, on general grounds of policy. As to the working of the Metropolitan Commons Act of 1866, I may state that I had the honour of assisting Mr. Cowper, who was then First Commissioner of Works, in the preparation of that measure, and he paid me the compliment of consulting me during its progress, on certain points connected with it; there were certain objects which I, at that time, should have proposed to have had incorporated in the Act, and amongst others I may state that I thought that it would have been perhaps better if an independent Board could have been appointed to deal with this question as a new question; that was not thought expedient by Parliament, and the machinery was placed in the hands of the Inclosure Commissioners; now the Inclosure Commissioners are a very able and most highly respectable body of persons, both as to their legal attainments and in every other respect; but the object of the Inclosure Commissioners has always been to carry out the policy of the Inclosure Acts as laid down in Parliament, and they have never yet had their attention distinctly drawn to the necessity of providing for the recreation of the public in the neighbourhood of large towns; I do not mean to say that those gentlemen would not regard that object, but it is foreign to their former duties, and I think that their machinery, and, perhaps, their habit of mind rather is to regard that object as a less important object than what was the paramount object in 1845, for which they were constituted, namely, increasing the production of the country by the growth of corn, and by other agricultural cultivation of these commons throughout the country. It is obvious that in the neighbourhood of a place like London, not much advantage can be gained to the country from the cultivation of such places as the commons within, say, 15 miles round London; the amount of corn, or other produce, which might be grown upon them, if they were capable of being so cultivated, would be very trifling, taking it in comparison with the whole area; and, therefore, I understand Parliament to have decided the question that those places should be, as far as possible, preserved for the purposes of recreation. That policy has been declared by several Acts of Parliament, and I think that it is that policy which ought now to be carried out by the Inclosure Commissioners with reference to all metropolitan commons.

653. For those reasons you would consider that, upon the whole, the Inclosure Commissioners were not the body who were best adapted to carry out the Act of 1866?—Yes; that was my opinion at the time, and I only mention it with a view to make a distinction between the general policy of Parliament, with reference to these commons, and Inclosure Acts generally. I think that an expression of opinion from a Committee, or from Parliament, might be of use, with a view to guide the policy of the Inclosure Commissioners in dealing with the Act now under consideration. Various objections have been raised

raised to carrying it out, as to certain schemes with which I have had to deal; and I mentioned, with great humility, that I differed in the construction of that Act (as perhaps is natural, I having been in some measure concerned in framing it), from the view which was taken by the Inclosure Commissioners. The Inclosure Commissioners considered that they could not carry out the provisions of that Act in any case where litigation was going on with regard to the rights of the parties. Now the object of the Act was not to determine those rights in any way, and it is possible that it might be useful to put a clause into this Amendment Act (if it is thought desirable to reconsider the policy of that Act,) enacting that any scheme to be authorised under the Metropolitan Commons Act should not have the effect of interfering with any rights whatever in litigation, or otherwise. That probably might obviate the difficulty which the Inclosure Commissioners feel in dealing with these schemes.

654. Your opinion is that the objects of the Act of 1866 might have been carried out, leaving all parties who claimed rights in precisely the same condition as that in which the Act found them?—Yes.

655. And you think that, inasmuch as the Inclosure Commissioners have not acted upon such an impression, it would be better to provide in any subsequent Act that the rights of parties should be unaffected by any proceeding under the Metropolitan Commons Act?—Yes.

656. Mr. Ridley, who is one of the Inclosure Commissioners, considered that the provisions enabling them to hold an inquiry to ascertain and decide upon rights were insufficient; in your judgment, is it desirable that there should be any such inquiry, with a view to ascertaining, and defining, rights which may be in dispute?—Parliament decided that it was not expedient to give those rights of inquiry to the Inclosure Commissioners, because, in the first place it was insufficient in practice, and, secondly, it often led to a trafficing in these rights, which was inexpedient. I think that some misconception has existed with reference to the intention of the Act. There may be a doubt whether the intention of the Act is sufficiently expressed by its language; but from my personal knowledge, while this Act was passing through Parliament, I may state that the intention of this Act in Clause 14, which provides that "every scheme shall state what rights claimed by any class of persons are affected by the scheme," was not to direct that wide character of inquiry which has been assumed by the Inclosure Commissioners to have been prescribed. The policy of the Act, which was founded upon the Report of the Committee of 1865, was to provide a machinery in all cases where open spaces existed, without reference to the question, who were the persons entitled to the rights upon those spaces; and that they should be so taken care of as to prevent their falling into decay, and becoming places of public nuisance. It was thought by the Committee that the inhabitants were the fittest persons to guard the physical condition of the common, and that in all cases they should be encouraged in that work, and that the inhabitants should be allowed a share in the management if they were willing to assume it. By law the inhabitants *qua* inhabitants had not a right to interfere with the common; and certain lords of manors, for instance, Lord Spencer, who is quoted here, gave evidence before the Committee that in consequence of the increase in the population and the increased number of houses, and the many changes in respect to the common, very considerable nuisances had arisen, and that within the last six or seven years, he had had very considerable complaints connected with the common as to encroachments, and rubbish, and gipsies' camps, and various other matters. It was thought by the Commitee that without reference to any rights whatever, where such an open place existed, the inhabitants living in the neighbourhood might be allowed to manage the place, so that it should not be a public nuisance, if they were willing to bear the expense of management without interfering with any person's rights, and without regard to the question of any right to inclose it, and without regard to any rights of the lord or of the commoners; and that the inhabitants might have the liberty of appointing conservators to watch over the physical condition of the common in order to prevent nuisances and irregularities, and rubbish being put upon it. The Act of 1866 followed that recommendation of the Committee, and provided for those objects giving power to the conservators under a scheme to manage the common. Then the Act went a step further, and provided that they might also have the liberty to drain in certain cases, paying the expense and possibly of improving and levelling, or planting trees. That was to be done under bye-laws. It was suggested that the drainage would be an interference with the right of the lord of the manor, because the soil being his you could not open the soil without interfering with his rights, and also that the planting of a tree might to a certain extent injure the herbage, and prevent the grass from growing underneath, and that however little the grass might be wanted, yet it could not be used if there was an interference with it; therefore in order to guard the interests of all parties it was provided that that interest should be represented and inquired into, and reported upon by the authorities; and with that view, in order to guard those interests, the 14th clause of the Act was put in, which provides that "Every scheme shall state what rights (if any) claimed by any person or class of persons are affected by the scheme, and in what manner and to what extent they are affected thereby, and whether or not the scheme has been in relation thereto consented to by that person, or class of persons, or any of them." Now the Inclosure Commissioners have rather taken a wider estimate of the purview of that clause, and they have thought that where rights were in litigation between the lord and the commoners, they were bound to inquire into those rights, and that if they could not determine them they ought to hold their lands and not prepare a scheme. Now I speak under correction, but I think that that was not the intention which the Legislature had in passing this clause, but that it was intended simply to guard those minor interests which were not intended actually to be affected, but which might by possibility be affected by any improvement which was undertaken. The 6th clause of the Act describes what those improvements are; that clause is as follows: "A scheme for the establishment of local management, with a view to the expenditure of money on the drainage, levelling, and improvement of a metropolitan common, and to the making of bye-laws and regulations for the prevention of nuisances and the preservation of order thereon may be made under this

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this Act." Those were the objects; and it was apprehended that any action under this section could not but benefit the persons entitled, except in the limited way which I have mentioned. If the commoners said that the drainage of a common would make it too dry to grow grass, it might possibly be an objection; or the lord of the manor might say, "I will not allow you to open the soil for the purpose of drainage;" I believe that those were the minor objects contemplated by that clause, and by the two following clauses, and I humbly submit that they are all which need be provided for in cases of this kind.

657. Then would you suggest an amendment of the 14th Clause or something which would qualify the 14th Clause?—If the Committee agree with the view which I have presented, I should suggest that the Inclosure Commissioners might have distinct powers to hear and decide on any proposal as to drainage or planting, and to report whether it interfered with any beneficial rights as practically exercised, and if it did to disallow it. I take it that if, on such an inquiry, the Inclosure Commissioners found practically that there was no great amount of damage to the persons affected, in case those persons should captiously object to any such improvement, the Commissioners would exercise their discretion, and so disregard the objection. I take that to have been the object of Parliament in passing that clause. There is another matter which generally comes into question, with regard to these commons, which I think wants a certain machinery to regulate it, namely, the digging of gravel and sand. There are questions which constantly arise between the persons interested, namely, the lord and the inhabitants, and the commoners, as to the mode and extent of digging gravel and sand. In some places the commoners have the right to dig a certain quantity, and it is highly inconvenient that they should be allowed to dig where they please. There is a sort of obligation to dig gravel and sand fairly, but not to interfere with the rights of pasturage. It is very easy to lay down that as a general principle, but it may be difficult to carry it out. I would suggest that the operation of the gravel digging might form a subject to be inquired into by the Inclosure Commissioners, and specially reported upon, but without giving them the liberty to decide whether such rights existed or not, if they were disputed, because then the question must always be referred to the courts of law.

658. Supposing the rights, both of the lord and of the commoners, to be admitted, you would make such a regulation as to the exercise of those rights as should not at all be in derogation of the public convenience, but should subserve the public convenience, or the use of the common for other purposes?—Precisely so; the only other alteration which occurs to me, after stating that no scheme should affect rights, is this: I should prefer saying that no scheme should by any possibility affect anybody's rights, so that no person should complain of it excepting in these trifling particulars. I think that that being so, it would not be contrary to public policy and to the law to allow the inhabitants of the place, whether they were commoners or not, to memorialise the Commissioners for a scheme. I take it that the policy of this Act is for the public and for the inhabitants, who are concerned to see that an open space of that sort does not degenerate into a public nuisance; and that, therefore, there would be nothing contrary to public policy or to private rights in allowing the inhabitants of a place, as well as the commoners, to memorialise. With these exceptions, I think that the Act would work extremely well. Formerly, before I took office, I passed a scheme under this Act, which has received the sanction of the Legislature, proving to Parliament that such a scheme is possible; that was in the case of Hayes; and I also had the satisfaction of convincing the Inclosure Commissioners that if that scheme was carried out it would be an advantage. That scheme contained the following clause:—"Saving always to all persons and bodies politic and corporate, and their respective heirs, successors, executors, and administrators, all such estates, interests, or rights, of a profitable or beneficial nature, in, over, or affecting Hayes Common, or any part thereof, as they, or any of them, had before the confirmation of this scheme by Act of Parliament, or could or might have enjoyed if this scheme had not been confirmed by Act of Parliament." I think that with those safeguards, this Act would work very, beneficially, and might be made a most useful Act.

659. Is there any other remark with reference to this Act, or to this subject, which you desire to make to the Committee?—I presented a scheme for the management of Hackney Commons pursuant to some instructions which I received from that quarter, and it was objected to by the Inclosure Commissioners; they held that Lammas lands which are in Hackney were not subject to the operation of this Act; I ventured respectfully to differ with them in opinion upon the construction of the Act, because I find that the interpretation clause says that the term "common" means land "subject at the passing of this Act to any right of common." And as Lammas lands are subject to some rights of common, though only for a portion of the year, I thought that that objection was not well founded, and I was supported in that view by the opinion of counsel; but I, of course, bow to the decision of the Inclosure Commissioners in that respect; I merely submit to the Committee that that point might be made clear. That Lammas lands are such lands as Parliament intended to be included in this Act, I think may be fairly inferred from the provision of the Act of the 6 and 7 Will. 4, c. 115, relating to the inclosure of open and arable fields, section 55 of which Act provides, "That nothing in this Act contained shall authorise the inclosure of any open or common arable fields, or of any open or common meadow, or pasture lands, or fields, situate and being within 10 miles of the City of London;" showing that the Legislature at the time when that Act was passed, namely, in 1836, had in view the interests of the inhabitants with reference to these Lammas lands, and actually forbade their inclosure at that time of day.

660. Are Lammas lands there specifically mentioned?—The whole Act relates exclusively to open or common arable fields, or open or common meadow or pasture lands or fields, Lammas land is of that description; Lammas land is not a term known to Parliament, or known in the legal text books.

661. Lammas lands are held in severalty for a portion of the year?—Yes.

662. And they are subject to rights of common during the other portion of the year?—Yes.

663. What do you understand to be the right of common over these particular lands?—We will take London Fields, which is a portion of the

the Hackney Meadows; as it was explained to me (and I have every reason to believe it to be correct), that portion of land was entitled to be held in severalty, though not to be inclosed during the portion of the year between Lady-day and Lammas-day, which is the 1st of August, and it has been stated to me that the 1st of August was fixed with a view to the crop of corn; it is said that in former times the seasons were so different from what they are now that corn might reasonably be expected to be reaped by the 1st of August, which is very seldom the case at present.

664. That would be the 13th of August under the old style; the commoners in general, as I understand it, were let in after the 1st of August; there was a general right of common after the 1st of August; but up to the 1st of August the different owners were allowed to cultivate the land in severalty?—Yes.

665. Were those persons who were entitled to the right of common after the crop had been reaped, the same persons as those who had held the land in severalty for the purpose of reaping the crop, or were they the lord and the commoners, or were they the commoners exclusive of the lord?—The right, as I understand it, was the right of the whole commoners. In this particular instance I believe that I am right in saying (and I have been at some trouble to investigate that particular matter), that it applied to the whole of the commoners, and that it went so far as to say that the whole of the inhabitants, and that every parishioner in the vestry had a right; that is rather wider than is generally the case in most neighbourhoods, and whether it could be sustained at law or not, I am not in a position to say, nor could anyone say until it was decided, if it ever comes to be decided.

666. But at all events, whatever may be the decision in that respect, there is a right wide enough to justify you in calling it a common right?—Yes; it is alleged that those rights exist in every parishioner; that is contrary to a maxim of the law which says, that a person must have an estate before he can take such a right; I am not at all sure what would be the ultimate decision of such a question if it came to be argued; I do not think that it will ever be argued, but the practise has the authority of certain decisions, and of Acts of Parliament in times gone by, and it is now more interesting, as an antiquarian subject, than for any practical object.

667. The new scheme under this Act, would leave that right unaffected?—I think so.

668. Colonel *Barttelot.*] Is it those persons only who hold certain estates in the manor who would have the right after the crop is cleared, and not all the commoners?—I think not; after Lammas-day I believe that the land is common to all the commoners.

669. That is only so far as you know?—The practice may vary in different manors. In Hackney it is certainly not so represented, and it is in fact represented as being very much wider.

670. *Chairman.*] Do you know the distinction between what is called Shack land and Lammas land?—I should be very sorry to be asked to define it, for those terms are terms which are not known to the law, and they have arisen from local practices. If the courts of law were to be called upon to decide the customs, I do not say that they would not give the lands those particular names, but the names are not found in the legal text books.

671. It is local usage?—It is local usage. The local usage is very dissimilar in different districts, and it varies in each case, so that it is impossible to lay down any general rule which should apply to every place all over England. I do not think that there is any variety of form of common right which is not known in some place or other. A common right may be either restricted or unrestricted, it may be stinted at certain times of the year as to a certain number of beasts. It is a right of the most variable kind. I have had occasion to investigate a great many customs of manors, and I have never met with two which were precisely alike.

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672. Whatever these terms may mean they are all of them varieties of the mode in which the right of common may be exercised?—Yes. The Shack and Lammas lands are stinted in point of number and in point of time.

673. Is there any other matter to which you desire to draw the attention of the Committee?—No.

674. Mr. *Knatchbull-Hugessen.*] I understood you to say that you thought that the policy of the Inclosure Commissioners required guiding?—I perhaps might be considered presumptuous in using such an expression, but hope that the Committee will not misunderstand me upon such a matter. What I mean to say is that the policy of this Act, I take it, is something perfectly different from the policy under the Acts beginning with the year 1800, and culminating in the legislation of 1845, which the Inclosure Commissioners have had to carry out; of course, no more capable men than the Inclosure Commissioners could be selected for such a duty, but I think that it ought to be distinctly understood that if this Act is to work properly the specific rights in those commons ought not to enter into their calculation with a view to any division, or any appropriation of land, such as is contemplated by those Acts; that is all that I venture to say.

675. May I interpret your answer as having this meaning, that you think that the intention of this Act should be more explicitly declared for the guidance of the Inclosure Commissioners?—I think so, with all respect to them.

676. Mr. *Knight.*] I apprehend that you consider the one policy to be a national policy, and the other a suburban policy?—I think that they are both national policies. May I read the following passage from the Report of the Committee on Open Spaces. Mr. Wingrove Cooke stated, in his evidence before the Committee of 1865, "The office with which I am connected (the Inclosure Office) has great facilities for carrying out the objects which the Committee may have in view. We have facilities for ascertaining the proper compensation, and we have facilities also for apportioning that compensation when the amount is determined. We are also in the daily habit of selling lands, and there is scarcely any modification which can take place in order to attain any object which this Committee may have, and which may be sanctioned by Parliament, to effect which our office could not bring to bear its machinery." In reference to this the Committee state, "Without deciding as to the fitness of the various existing bodies who have been suggested for the office, your Committee would observe that the powers which they recommend that Parliament should confer, are not those of sale or compensation, as contemplated by Sir John Thwaites and Mr. Wingrove Cooke, nor are they disposed to recommend the

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levy of an additional tax on the property, or on the inhabitants of the metropolis, without having first tested the capabilities of the various localities." The Committee go on to say, "There would, no doubt, be a certain saving of expense, and a certain convenience in conferring the requisite powers on an existing Board; on the other hand, many of the views expressed by your Committee, and which, in their opinion, the public are interested in maintaining, are so new and special, and are likely, if adequately performed, to require so much attention, time, and care, that your Committee think they would probably be better and more vigorously carried out by an entirely new Board, having no views, interests, or traditions which might possibly clash with the paramount object of preserving for the public use, so far as may be possible, and by every legitimate means, the forests, commons, and open spaces in and around the metropolitan area." I did not mean to carry my observation further than that.

677. Mr. *Knatchbull-Hugessen.*] You have told us, and no doubt correctly, that the object of this Act was not to determine, in any way, the rights of persons interested in commons. But, looking at the 14th Clause, which says that the scheme shall state the rights which are to be affected thereby, and looking at the 15th Clause, which provides for compensation of rights, and looking at the 30th Clause, which gives power to any person having a right to appoint an agent, do you not think that it is absolutely necessary that rights should be determined before any satisfactory scheme can be carried out?—I do not think that it is necessary that definite rights should be ascertained; and I may remark that some of those clauses were not in the original Bill as drawn, but were put in to satisfy other parties. I think that they are rather contrary to the general intention of the Act, and I think that they have led to certain misconstruction in the carrying out of the Act. Of course it is not for me to quarrel with what Parliament in an Act has thought proper to do, but if you ask me the question, I am bound to say, that I think that those clauses go a little beyond the spirit of the Act, and that it would have been better that the clause, as originally drawn, should have been in the Act, namely, that no scheme should affect any rights whatever, and that would have prevented any misconception. I think that without deciding upon the rights, the Commissioners would be very competent to deal with the provisions of any scheme, and to say, whether in their judgment such rights as were known to exist were interfered with, or whether the rights of any person who claimed were injured, or were at all prejudicially affected. The only thing which could happen in the way of interference, would be in respect of draining and planting. If any person said that the planting injured his herbage, it would not be necessary to institute an elaborate inquiry into rights to determine that matter. But with regard to the main objects of the scheme such as preserving the grass and removing rubbish from the common, they must improve the common. Levelling generally improves the pasturage, and it is very hard to say, how there could be any serious damage to anybody from a scheme honestly framed under this Act.

678. If you interfere for good, or for evil, with existing rights, is it not necessary to ascertain the extent of those rights, in order to judge of the extent to which you are going to interfere with them?—If you benefitted those rights, I should submit that it was hardly necessary to judge of their extent under what might be a very difficult inquiry, and might lead to very little profitable result; but if the Committee think otherwise, it is not for me to interpose my opinion.

679. As the Committee have to deal not with the intentions of the framers of the original Bill, but with the Act as passed, am I to take it as your opinion, that those provisions, to which reference has been made, are so inconsistent with the intentions of the original framers of the Bill, that those clauses should be struck out or altered?—Not necessarily. I think that the law may be worked as it is.

680. Are you of opinion that many schemes are likely to be projected under this Act, and to come before the Inclosure Commissioners?—Yes; before I was in office I presented, I think, five or six schemes to the Inclosure Commissioners, and more would have been presented if they had not refused to consider cases where the parties were in litigation. I endeavoured to argue that point with them.

681. I understand you to question their discretion in that respect; you think that they might have gone on, although the rights were in litigation?—I think so; but I wish to pronounce that opinion with very great respect; I think that the view taken by the Inclosure Commissioners is contrary to the spirit, and the intention, and the letter of the Act.

682. Then you think that while certain rights are under consideration by a court of law, it is wise to deal with them under the provisions of this Act, or other Acts?—I do not think that it is wise to deal with them under the Act. Without at all interfering with any person's rights, I think that the measure deals with a physical evil, and there is abundant evidence before this Committee, and there was abundant evidence before the Committee of 1865 to show that large open spaces in the neighbourhood of a town are liable to demoralise the population, and to become public nuisances, unless they are properly regulated. If there is litigation concerning them, I think that they want that protection all the more, and I think that the Legislature might guard against prejudicing the rights of any persons over those places. If it be fairly and legitimately done, I cannot conceive why the existence of any amount of litigation or quarrels which may occur, as they have occurred, with regard to these places for hundreds of years should interfere with the public necessity, for a sort of police jurisdiction, a jurisdiction of management in the interest of the public at large, who are greatly interested in seeing that those places do not become a public nuisance, just as much as you are interested in seeing that your neighbour does not set his house on fire. The nuisance of which there is evidence with regard to many of these places is very great, and I understand this measure to be simply intended as a conservative measure, which, so far from injuring the rights of anyone, should improve the property and keep up the rights; in most manors there are disputes as to whether copyholders have certain rights, and what are the rights of the freeholders, but I think that those questions may go on, and that yet the place may be improved without interfering with those rights, and therefore I do not see why the Act should not be applied in spite of the pending litigation.

683. Do

683. Do you think that it is for the advantage of the public that the scheme which is set forth under this Act should be generally proposed and adopted?—Certainly.

684. In preference to keeping the commons as they are?—Yes; I think that schemes for supervision are very beneficial; I may speak as an inhabitant in the neighbourhood of a large common; we should be very thankful for the rubbish, and so on, to be removed.

685. Do you know of any places where it is desirable, in the opinion of some of the inhabitants, that a scheme should be set forth, but where the facilities granted by this Act are insufficient, and there is something which hinders that scheme from coming before the Commissioners; do you think that sufficient facilities are now given under this Act to bring schemes before the Commissioners, or that they may be stopped, owing to the fear that there may be insufficient compensation to parties having rights, or from any other cause?—As a rule, I think that the persons most interested are the persons living in the immediate neighbourhood of the place in question, and technically they may not have the rights, which, under this Act, would entitle them to present a scheme; I think that Parliament might very fairly give them such a right, inasmuch as such a scheme is not to interfere with, or take away, the right of any other person, and I think that they might be considered entitled to have the benefit of it for improvement of their own prospect.

686. Do you think that local action might be stimulated by the operation of this Act, or would you, irrespectively of local action, give to the Inclosure Commissioners, or to any other body, the power to initiate operations?—I have not considered that question sufficiently to give an answer to it; I think that if the inhabitants had the power, Parliament might very fairly wait to see whether they would not exercise it.

687. Has the operation of the 15th clause of the Act, namely, the compensation clause, come under your notice?—No; no proceedings, so far as I am aware, have been taken under that clause.

688. If the compensation which the parties thought necessary was not, in their opinion, sufficiently secured to them, might not that operate to prevent their bringing this question before the Inclosure Commissioners, they alone having the power of doing so; if they had rights, and if they felt that under this Act there was no security for adequate compensation, is it not possible that that might operate as a bar to their application for a scheme?—I have no doubt it would do so if that were the case; but it is not the case; this Act provides for the compensation of every right, and, in my opinion, rather encourages a claim for compensation; the great misfortune is, that it has led certain persons rather to look for compensation, and I think that that is a pity, because I do not believe that it is necessary to compensate any person under this Act, inasmuch as it is not necessary to take away his rights.

689. If a person under the General Inclosure Act would have had considerable rights, the value of which would have been increased by inclosure, and if Parliament passes an Act which deprives him of the power of obtaining the enhanced value of those rights, do you not think it proper that if he is so deprived for the sake of the public interests, compensation should be secured to him?—That assumes, I think, that he has a right to inclosure; I have always looked upon inclosure as being a boon to the landowner, which has been granted by Parliament in return for a benefit to the public from the increased production of the country; I think that the history of our Inclosure Acts points very much to that conclusion.

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690. Does the preamble of any Inclosure Act lead you to such a conclusion, or is it only a general theory?—The first general Inclosure Act was passed in 1801, and that Act was passed after, and in consequence of three very elaborate reports from a Select Committee appointed by the House of Commons, over which Sir John Sinclair presided, in the years 1795, 1797, and 1800. These Reports were printed at a time when there was a great scarcity of corn, and they all have reference to the increase of the produce of the country. The preamble of the first of these Reports, which goes very elaborately into the whole question, recites, "A copy of the Resolutions of the Board of Agriculture on the subject of cultivating the waste lands and commons of the kingdom, together with various other communications from that Board; in particular, an Address from its President, on which the Resolutions above mentioned were founded; and also extracts from the printed reports of the different surveyors employed by the Board in furnishing accounts of the present agricultural state of the various counties in these kingdoms, and the means of their improvement. From the consideration of which, your Committee are deeply impressed with an opinion, that a general system of facilitating the division of waste lands and commons is an object not only anxiously to be wished for, as the means of removing a material obstacle to improvement and of promoting the prosperity and general interests of the kingdom, but more particularly as being one of the most effectual measures that can possibly be suggested for preventing any risk of suffering under the pressure of scarcity in future." Then the resolutions are, as to inclosure and the cultivation of potatoes, and other matters connected with agriculture. These Reports form the foundation of the Inclosure Acts, which are the subject of our present legislation. I have always considered (whether rightly or wrongly) that all the modern Inclosure Acts were formed upon the policy of that Report, which was intended to provide for an increased cultivation of the land for the benefit of the community.

691. If that is the case, and if, according to your showing, an inclosure is a free gift, by the Legislature, to certain persons, why should that free gift be confined to persons calling themselves lords and commoners, and why should not it be given to all the inhabitants?—I am unable to answer that question.

692. Does not that answer imply that there are rights in certain persons?—There are undoubtedly rights of many kinds.

693. Do you agree with the observation of a former witness, that, whatever rights may exist, with regard to inclosures, the public interests demand that, in the vicinity of the metropolis, these spaces should be kept open?—I understand that to be the policy of Parliament. I do not think that my opinion on that point is worth much to the Committee. I think that I am less qualified to speak upon that point than others. I have been professionally concerned in fighting these questions, and my opinion would not be worth much.

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694. Your opinion is a rather valuable one; you think that compensation should not be given, where the public interest is consulted, in such a case as this?—I think that compensation ought to be given whenever any valuable right is taken away or interfered with. I do not include in that statement any speculative right which has no pecuniary value.

695. If the public interests demand interference with some one who thinks that his rights are going to be interfered with, though you may think that they will not be interfered with, is it not just that the question whether his rights are going to be affected or not, should be referred to some independent tribunal?—Certainly.

696. With regard to the Lammas lands, is there any reason, in your opinion, why the Lammas lands should not be dealt with by this Act?—I think not. If they were used in the way in which they were formerly used, and in accordance with the technical rights which exist over them, then no scheme such as this would admit of any interference with the persons who cultivated them in severalty during a portion of the year. I can imagine that a scheme, even during the time that they held the Lammas lands in severalty, might provide against nuisances. Those Lammas lands are not inclosed, and I believe that in Hackney they have never been inclosed; and therefore the proprietors would not have the same facilities of watching and protecting them against thieves and vagrants as they might have on their own private lands, and the operation of the Act might assist them in protecting their property.

697. But, as regards Lammas lands, you know that they may be inclosed during the time for which they are held in severalty?—That depends upon the custom.

698. In either case you do not see why they should not be subject to the provisions of this Act?—No, guarded as I have mentioned.

699. Then if that is the case, and if the expressions "Lammas lands, half-year lands, and shack lands," exhaust the descriptions, of lands subject to rights of common other than those which are waste of a manor, would it not be well to name them in the clause, in order to prevent the possibility of misconstruction?—I think that doubts might very well be removed by the Legislature, even though they are not well founded.

700. If it is the opinion of the Committee that, in the Bill before the House, those lands should be included, do you not think that such a special description would be better than the words in the new Bill, namely, "any open space which has been enjoyed, or frequented by the public, for not less than 20 years before the passing of this Act"?—I think that the words as they now stand would not quite meet the case of these lands.

701. Have you turned your attention to the desirability of extending the operation of this Act to a radius of 25 miles from the metropolis?—I do not think that I can give any useful information to the Committee upon the nature of the lands between the two areas, with this exception; inasmuch as Epping Forest is cut in two, it seems to me that as this Act applies to the greater part of Epping Forest, it might just as well include the whole; there is a very small portion outside. I do not think that the map which is now before the Committee is correctly drawn as to Epping Forest, because that red line does not show the boundary of the area of the Metropolitan Commons Act; the area of the Metropolitan Commons Act is the police area, and it has a jagged boundary; there is a little portion of Epping Forest outside the area, although within the radius of 15 miles from Charing-cross; the metropolitan police area goes outside the circle in some places, and comes inside it in other places.

702. Are you in a position to state that the character of the lands which would be included by the proposed Bill varies to any extent from the character of the commons which are now under the operation of the Act of 1866, or are they of an identical character?—Not having inspected them, I am not able to say; but the further you go from London, the more agricultural the lands must be.

703. With regard to the Suburban Commons Bill, which is referred to this Committee, have you considered the subject of the application of the provisions of this Act to commons other than metropolitan?—I have had the matter generally under consideration.

704. Have you formed any opinion which you would like to express to the Committee upon that subject?—I am not able to carry it much further than the evidence which was given by Mr. Blamire, the Inclosure Commissioner, in the year 1844, previously to the passing of the Inclosure Act of 1845. I should state that the report of that Committee was the foundation of the important Act, the Inclosure Act of 1845. Mr. Blamire was asked, "Have you had your attention drawn to the cases of inclosures on those commons which are in the neighbourhood of manufacturing towns?" to which he answered, "I have known instances where inclosures have taken place in the vicinity of populous places, undoubtedly;" then he was asked, "Do not you perceive that there is a very great difficulty in giving the inhabitants of such districts those fair means of recreation, and of getting something like fresh air, which no allotment could produce?" His answer was, "There ought to be the greatest possible care taken to provide adequate ground for the recreation of inhabitants of towns; I conceive that the health and the pleasurable purposes of such inhabitants would be very much increased generally, if it were practicable to drain and to level those commons, and to define the distinct rights of pasturage upon them, without authorising any inclosure of them. The inclosure of commons in the immediate vicinity of populous towns, and where the allotments in respect of the several properties must necessarily be of a very minute extent, and where they are not valuable for the purposes of cultivation, invariably leads to a public nuisance, by holding out a facility for parties to set up their temporary huts, to the great annoyance of the whole district; those inconveniencies constantly arise where the allotments are of so small and limited an extent, as not to be available for the purposes of ordinary cultivation."

705. *Chairman.*] Will you give us your own opinion upon the subject?—I have no special information with regard to commons near large towns, which would justify me in expressing an opinion as to the desirability of their inclosure or otherwise; the Committee are best able to judge for themselves of the desirability on public grounds.

706. Mr. *Knatchbull-Hugessen.*] Have you ever lived

lived in a town out of London?—Yes; I lived at one time in Liverpool.

707. Did you ever live in a town of 5,000 inhabitants?—Yes, for a short time.

708. Did you ever go out for a walk of five miles to a common?—I am not aware that I did.

709. Do you consider that that is a good limit to put with regard to such a town, or do you think that it is too large a one?—I am hardly competent to answer those questions, which are not in my province.

710. You merely state, as we should all agree, that open spaces in the neighbourhood of a crowded population wherever you may find them, are very desirable?—Yes, that is my private opinion, for what it is worth.

711. Do you think that cases might occur, in which the provisions of this Act might possibly be injurious to the inhabitants of a town; take, for instance, a common which is of a marshy and low character, and not at all suited for walking, or recreation, but which might be reclaimed and adapted for agricultural purposes; do you not think that the provisions of a Bill which prevented the inclosure and drainage of that land would be decidedly prejudicial?—I look upon it, that this Bill would not prevent that operation, and that the moment that the necessity of an inclosure was recognised, a Bill could be brought into Parliament to inclose that land, and that Parliament would judge of the expediency of its inclosure.

712. Then you would pass a general Act with a view to having exceptional cases dealt with by special legislation?—Parliament has already decided that exceptional precautions should be taken with regard to an area round certain large towns. The Legislature is not at all prevented by this legislation, or by any other legislation, from dealing as it pleases with commons in the neighbourhood of large towns, by inclosure or otherwise.

713. Is it so? Parliament, in the Act of 1866, has stated, that, "after the passing of this Act, the Commissioners shall not entertain an application for the inclosure of a metropolitan common, or any part thereof;" then it goes on to say that schemes for certain purposes may be made; is not the object to prevent inclosure?—The object is to prevent inclosure in the regular way, and to restore parties to the same position as they were in before the Act of 1845. Under the Act of 1845 the Inclosure Commissioners had large powers to deal with inclosures without coming to Parliament; and there is an exception in the case of all commons within a certain distance of large towns. That, I take it, was with a view of drawing the special attention of Parliament to any cases within a certain distance of those large towns, and making them the subject of special application. Subsequently to the Act of 1845 (I cannot remember the exact year) the power of the Commissioners to deal with any cases on their own authority, without coming to Parliament, was taken away, and therefore the two classes were equalised; but the present Act does no more, in spirit and effect, than the Act of 1845; it necessitates that parties shall come to Parliament by a special application, rather than under the general powers of the Inclosure Act. The Committee are of course aware, that in the case of a proposal for an inclosure under the Inclosure Act, the parties go before the Inclosure Commissioners, and practically never go before Parliament at all. The inclosures are put into a Bill, and, unless particular attention is drawn to them, they pass as a matter of course. It was expressly with a view to hinder that application of the Act as to commons round London that that clause was put into the Metropolitan Commons Act; of course, it would not be possible to take away the power of Parliament to inclose any common as they did before 1845.

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714. Is it not the fact, that the object of this Act is to prevent these commons being inclosed in the neighbourhood of the metropolis, but to sanction certain schemes for their regulation without their being inclosed?—Yes.

715. Then Parliament is not able to proceed to the inclosure of any common near the metropolis, except by special legislation overriding this general Act?—Yes, in the same way as before 1845; the special system of inclosure began in 1710, and continued down to 1845 by special inclosure measures, and in 1845 the General Inclosure Act was passed; but that Act does not in the least degree prevent the inclosure of a common which is well-adapted for purposes of cultivation, and which is ill-adapted for recreation, being brought before Parliament; and, practically, it might be just as well inclosed as though this Act had not been passed.

716. Are you aware that a Committee has recently been sitting upon inclosure Bills?—Yes.

717. Is not that a proof, that under that system inclosures do come before Parliament?—No doubt; but that is an exceptional case.

718. Mr. *Bonham-Carter.*] Will you look at this publication (*handing a document to the Witness*), with reference to the commons near the metropolis, which at the end has what appears to be the imprimatur of the Association of which you were the honorary solicitor; have you seen that document before?—No; but I see my name mentioned here.

719. Am I right in inferring that that document was issued with the authority of the society to which you were acting as solicitor?—I really cannot say. I see the names of the Right Honourable William Cowper, one of the members of this Committee, and of Mr. Shaw Lefevre, in conjunction with my own; but I have no personal recollection of the publication.

720. This is a small pamphlet, stating the quantity of commons and open spaces near London, and which is apparently admitted by being placed in conjunction with the prospectus (I do not mean the prospectus in a commercial sense) of the Commons Preservation Society; are you able, from your connection with that society, to say whether the statement that rather over 17,000 acres of open spaces are within a radius of 15 miles from St. Paul's is correct?—I should not like to answer that question from memory; I believe that a Return is before Parliament which gives the number of acres; I did not think that it was as many as 17,000.

721. You took a very active part in this association?—I believe that I advised, when I was called upon to do so. I do not know that I was more active than any other professional man could have been in the discharge of his duty.

722. You are not sufficiently acquainted with this document for me to ask you any questions upon it?—Certainly not. The secretary of the society is in the room, and he says that he had nothing to do with the publication of that document, and that the prospectus at the end was intended as an advertisement which was paid for. I think

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I think that it was an injudicious thing to publish names without the consent of the persons.

723. There are a large number of private rights involved in the inclosure of those commons?—Certainly.

724. Is it not natural that when documents, apparently bearing the imprimatur of such a respectable society as the Commons Preservation Society are issued to the public; persons should rather gather the intentions of the society from the statements in those documents?—I can conceive nothing more natural than that it should be so; it might not always be just.

725. One of the phrases used is, that the thing to be prevented is collusion between the lord of the manor and the commoners; is not that language which would naturally lead lords and commoners to think that there was some design to infringe upon their rights?—I would rather not answer that question. I am not in the least responsible for that document. I am not now at all connected with that society. I was formerly connected with it. I held the position of adviser to that society; and I gave them the best of my humble advice upon the questions on which I was asked. I had no authority to bind them, even at that time, and I certainly have no authority to do so now; I trust that I have not overstepped the bounds of propriety in anything which I have done, but I cannot answer for others; nor would I even answer for that society, respectable and honourable as the members of that society are. I think that they are quite able to answer for themselves.

726. I think that in your evidence you have expressed that the object which you have in view is most entirely consistent with a respect for the maintenance of private rights?—Certainly.

727. You stated that you had taken considerable part in the arrangements under the Metropolitan Commons Act with regard to Hayes Common?—Yes; I prepared the scheme for the inclosure of Hayes Common under instructions from the rector, the churchwardens, and the inhabitants of that parish.

728. Are you in any way cognisant of the state of things which led to the bringing of that common under the operation of the Act?—Yes; I investigated the whole case.

729. Are you aware of the fact, that the rights of the lord of the manor were so exceedingly doubtful with reference to the boundaries of the common, that, practically, he was unable to proceed against trespassers?—I investigated the boundary of that common, and I believe that the boundary was perfectly well defined; the question was of a different character, namely, whether the lord of the manor had, or had not, the right of a superior lord; all these questions are under the old feudal rights; the lord of the manor has certain tenants under him, who are his commoners; it must be always the case that the lord is a tenant of the sovereign, but it sometimes happens that the lord is not the immediate tenant of the Crown, but is a tenant of another lord who is a tenant to the Crown; and in the case of Hayes, the question was whether there was a superior lord in the manor of Baston, or not; but that did not affect the scheme, because I advised the parties that they had only to do with the inferior lord; I distinctly advised them that the inferior lord of the manor, in that case, was the proper person to give his consent to the scheme, and I think that in every case the inferior lord is the person who has to do with it.

730. Does not the Statute of *Quia Emptores* define the position of the lord?—Since that Statute, no inferior lord could be created; the lord might sell, but he could not create a sub-infeudation, as was done in the case of Baston.

731. Therefore, this superior lord had created a sub-infeudation before the Statute of *Quia Emptores*?—Yes, but that was not very clearly established; the steward of the superior lord was communicated with, and he said that he did not claim anything.

732. You have stated, that in all probability several commons would have been brought under the scheme, if it had not been that they are under litigation?—In one case I presented a memorial, and its consideration was declined on that ground. I had other similar cases, which, but for that refusal, would probably have been brought forward.

733. Is it within your experience, or belief, that this litigation arose in consequence of the persons who were interested, or the public wishing to oust the jurisdiction which was created under this Metropolitan Commons Act?—No; a litigation arose in consequence of the Metropolitan Commons Act; but in consequence of the lord of the manor wishing to approve or inclose under his alleged powers as lord of the manor.

734. Then you do not believe that litigation has arisen in consequence of the desire to ascertain rights in reference to this scheme?—Certainly not, and I do not see how it is possible.

735. You have stated, that there is a great variety of rights in manors; from your experience in connection with the Commons Preservation Society, have you formed any opinion whether the usage within the metropolitan common area is very various or not?—Certainly.

736. Does not the nature of the usage very much affect the advantages which are to be obtained by the commoners, and the lord, upon the inclosure?—No doubt, and that has to be taken into consideration by the Commissioners upon every inclosure.

737. Would it not be a very great boon to the lord, and to the commoners, in the case of a common, in which there were very numerous rights, and rights of very various kinds, to give them the power of inclosing under the Act of 1845, and to give them the same power as in a case which might occur with Shack lands, where the common was defined, and where the rights were very few; would not the advantage which is given by the Act of 1845, be very much more valuable in one case, than in the other?—It would be entirely a question of the extent of common, and of the nature of the interests, and the number of persons.

738. Supposing the case of a lord and three or four commoners, and the case of a lord and 500 commoners, would not the difficulty of obtaining consents for inclosure, without an Act, be very much greater in the one case than in the other?—Yes; the expense would no doubt be greater.

739. So that the power which is given by the Act of 1845, to inclose upon the consent of two-thirds, would be a very much more valuable power in the case of a large common with various rights, than in the case of a common in which the interest was vested in four or five hands?—Yes.

740. As the general belief is that the authority claimed on behalf of the public for allowing an inclosure under the Act of 1845, was a ground for asking for recreation grounds, and other concessions

cessions for the public, the power which is given by that Act would be exceedingly valuable in one case, and not in the other?—I suppose that it would be more valuable in the case which you have described.

741. We have been told that an unopposed Inclosure Act might cost 400*l.* or 500*l.*, and that as far as regards the proceedings of the Inclosure Commissioners, it might cost 40*l.* at the outside?—Yes, I believe so.

742. The proposal is to extend the Metropolitan Commons Act to a very much larger area; are you not withdrawing from commons which are very near the point at which they can be inclosed without an Act of Parliament at all, the power which is given to them by the Act of 1845, and at the same time withholding it from other cases where it might be more valuable?—You withdraw the facilities from those commons, whether it is right or not is another matter.

743. You say in fact to the owners, namely, the lords and the commoners, of a very large quantity of commons, "You shall not have the power of proceeding under the general Act, but shall go to the expense of a private Act"?—Certainly.

744. Have not a very great number of commons been inclosed between the limits of 15 and 25 miles?—I am not competent to answer that question, but I believe that the returns are before Parliament.

745. If a great many commons have been inclosed upon a policy which was avowedly made operative in 1845, is not it very hard that that boon should be withdrawn from a man, when perhaps his next door neighbour has availed himself of that boon?—That is a question for Parliament to determine.

746. Then, considering the policy which you have advocated in connection with this society, you would rather not express any opinion whether or not the radius should be extended beyond 15 miles?—Throughout my professional life, I have endeavoured to preserve the character rather of an adviser than an advocate.

747. Looking at those powers which exist for improving the metropolitan commons within the area, have you considered whether they might be extended beyond the area without rendering it necessary to withdraw the power given by the Act of 1845?—I do not quite understand the proposition; I think that you must either withdraw the Act or keep it in force.

748. Certain powers are given by the Metropolitan Commons Act; that is, to a certain degree, compulsory, because you have within that radius withdrawn the power of using the Act of 1845?—Then you mean that you might apply the Act except as to clause 5; it would be quite competent for Parliament to do that.

749. You believe that the Act which has had at present a small operation, and only in the case of Hayes Common, might in some respects be made useful outside that area, without withdrawing the power of inclosing under the Act of 1845?—It would be quite competent for Parliament to do that.

750. With regard to Hayes Common, are not the rights almost entirely vested in the lord?—Yes, except in cases where the loppings belong to the tenant; the stem of the tree is almost invariably in the lord.

751. Then, in your proposition of planting, would you make arrangement to withdraw the ownership of those trees from the lord?—If you plant the trees, my impression is that you make them a present to the lord; but I hardly think that an ornamental tree, planted under such circumstances, would be cut down by the lord.

752. But, as a matter of fact, the law of the land would vest it in the lord?—Yes.

753. Are you aware that the question of the planting of trees is a question of great dispute in the New Forest?—Yes; no doubt, where the trees are thick; but that is hardly to be considered the same case as the planting of a few trees near London.

754. But it would practically lead to disputes? — There may be disputes on such matters.

755. You would give the inhabitants, in some cases, a *locus standi* to propose schemes?—Yes, I suggest that.

756. How would you define the inhabitants; would you limit them as being ratepayers?—Yes, I think so. It is usually proposed in these cases that the ratepayers should bear the cost of management. It is their interest to have a decent nice-looking place before their doors, rather than a bear garden.

757. Have you any notion what are the commons within the metropolitan area which are Crown commons?—There are very few. I think that there is only Blackheath.

758. Was Chigwell Common a Crown Common? — I think not. The Crown had forestal rights there; but I do not think that Chigwell Common was a common vested in the Crown. I may be mistaken.

759. Have you any information which enables you to say whether there are many commons within the area in which the lord of the manor has been divested of his rights; we have had our attention called to allotments from poorer commons, inclosed many years ago, and vested in trustees; are you aware whether that exists?—I am not able to say.

760. Should you apprehend that trustees, or other parties concerned, with reference to inclosure (the lord having been previously divested) would be put in the position of the lord; in the case of several inclosures large allotments have been vested in trustees for the benefit of the poor; do you think that, by this transference (the lord's rights having been satisfied previously) the trustees would stand in the position of *loco boni*?—I should doubt it. If there are allotments, that is practically an inclosure.

761. You have mentioned that you consider that, in 1845, there was rather a reversal of the policy with regard to inclosures?—I think not. I rather think that there was an express intention of giving effect, to a policy which, to a certain extent, had been lost sight of, but which had always been contemplated by the Legislature in all the important changes made by the Inclosure Acts; because I find that, in the Act of 1845, a difference was established between metropolitan and other commons; and I also find that, in the evidence of Mr. Blamire, he foreshadowed precisely the nature of the provision which is carried into effect by the Metropolitan Commons Act of 1866.

762. Sir *Henry Selwin-Ibbetson.*] This Bill is a Bill to increase the area of the commons within the reach of the metropolis, and its purpose is to give the inhabitants of the metropolis greater freedom with regard to open spaces; have you any experience as to whether the population really use the commons which now are at the extreme

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extreme distance from London of the present area?—I have no reliable facts upon which I can give evidence before this Committee as to the extent to which those commons are now used.

763. Many of the commons which are now inclosed within the present area are only to be reached by railway service from London?—I suppose that that is so.

764. And therefore they are used by the population only on one or two holidays in the year?—I am not able to speak to the extent of the use; I have not investigated it with reference to these particular commons.

765. If these commons are only used on one or two days in the year, would you think it desirable to enlarge the area of the commons, depriving the lords of the rights which now exist, merely for the purpose of those holiday enjoyments on one or two days in the year?—I think that the increase of the radius must be a question for the Committee to consider.

766. Mr. *Johnston.*] In the case of a marshy common, is it not obvious that if parties in the interest of the public went to the expense and trouble of getting a scheme, they would be sure to drain the place, and make it healthy?—I should think so, and I should expect so.

767. The facilities granted by the Act of 1845 were granted on considerations of national advantage; if it appears in any case that the national advantage is the other way, is it not obviously right and fair that those facilities should be withdrawn?—That is a question for Parliament, and it is quite in their power.

768. Is it your opinion that liberty to inclose under the Inclosure Acts is a boon, because whatever rights there may be over a common, those rights are not sufficient to enable the persons who possess them to inclose without the assistance of Parliament?—I consider that it is a boon. It was reported to Parliament by various Committees previous to general legislation in this direction, that there was no power to inclose commons otherwise than by coming to Parliament; and the objects stated in the Reports of those Committees, so far as I have understood them, pointed to the increased production of corn and other agricultural produce for the benefit of the country, and the inference which I draw is, that the object which Parliament had in view was the benefit of the country at large, but that incidentally a benefit to individuals accrued as the consequence, and not the moving cause, of Parliamentary action; therefore, if the inclosure benefited individuals it may be termed a boon to them.

769. On what grounds do you understand that the Commissioners have refused to entertain schemes for inclosure where litigation is in progress—As far as I understand their reasons, I think that those reasons proceeded from the construction which they put on the 14th clause of the Act, which provides, that every scheme shall state what rights claimed by any person are affected by the scheme; and I believe that they felt it to be a difficulty that they could not state what rights were affected by that scheme until those rights were determined by a competent tribunal.

770. I understood the view, as it was explained to us by the Commissioner, to be this: the Act says that a common is "land subject to any right of common," and I understand that in the case of Wimbledon, for instance, the lord of the manor denied that there were any rights of common, and that until that point was cleared up the Commissioners could not decide whether it was a common at all or not; and that therefore they could not decide whether they ought to go on under the Act or not; did you understand that to be their view?—That may possibly have been their view. But I do not think that the legislature meant them to determine that question.

771. Would you recommend words being added to clause 2 of the Bill which is now before us, to this effect: "or over which rights of common are claimed"?—The Bill says, "any open space which has been enjoyed or frequented by the public for not less than 20 years before the passing of this Act," which, I think, would include that. I cannot see any possible objection to these words.

772. Would you recommend the introduction of such words as I have mentioned, namely, "or over which rights of common are claimed"?—I do not think that they could do any harm; I think that those words might be added.

773. Would they not enable the Commissioners to get over the difficulty which they now feel in entertaining schemes?—I am not sure that those words would be as good as the words which are already in this Bill; the object of this measure, and of the former measure, is to take care of any space which is now open, and not to inquire into any rights upon it. If in the neighbourhood of a large town there is an open space, the Legislature seems to think that it requires some protection and management, and therefore the test is whether it be open, and not whether rights are claimed; I should rather deprecate going into claims of rights any more than is expressed by this Act, the reference to rights has led to some misconstruction already; I think that the act is intended to refer chiefly to the physical condition of the common.

774. Do you approve of the suggestion that a registration of the rights of commoners should be provided?—I think that it might be a useful measure, with a view to their protection.

775. The honourable Member for Winchester spoke of alarming lords and commoners; does not your experience lead you to suppose that the commoners within the radius of the Act of 1866 are almost invariably opposed to inclosure, and would be thankful for any means of opposing it?—I think that, as a rule, the commoners are against inclosure; where they are inhabitants they are certainly so.

776. Mr. *Reed.*] Are the London Fields an open space in the sense of the answer which you have given to the last question but two?—The honourable Member calls my attention to a question which has been asked with regard to the London Fields; the London Fields is practically an open space; I have seen the place; it is inclosed by a post and chain fence; I presume that it would be considered to be an open space, but I am not sure that a question might not arise even upon that; however, such a place as the London Fields would be intended by this enactment, and if there was any doubt about its condition, it would be set at rest by a few words in this clause.

777. Are you familiar with the survey of Hackney in 1652?—Yes, I have read that survey.

778. Do you think that there would be any difficulty in inserting words into this Bill sufficient to protect Lammas lands?—Not the slightest difficulty.

779. Would you see any difficulty in the word "common" being held to include Lammas lands?—No; I think that it would be very desirable.

780. Within your knowledge has a scheme been

been proposed by the inhabitants of Hackney with respect to Lammas lands?—Yes, I was instructed to prepare one, and I did so.

781. In what state is it now?—It is in abeyance, because the Inclosure Commissioners considered that Lammas lands were not within the purview of the Metropolitan Commons Act.

782. Mr. *Samuelson.*] You have said that, as a rule, the persons most interested in these commons are persons living in the immediate neighbourhood, and that it would be a good thing for Parliament to give them this right?—Yes, I have expressed that opinion.

783. Would not the conferring of those technical rights upon the inhabitants seriously interfere with the rights of the lords of the manors and otherwise?—No; I would not confer any technical rights upon the lords, or upon the commoners, if they were rights which they had not got, but I would not affect anybody's rights.

784. Are there not many rights existing, but which are in abeyance, and from which no actual benefit is obtained by their owners in the present uninclosed state of commons?—Certainly.

785. Do you think that the owners of those rights have any claim for compensation with respect to them?—I think that that question is practically decided; when a railway company goes across a common, the purchase money for the land which the railway company takes is, practically, divided amongst the commoners, whether their rights have been used or not.

786. They would, in fact, receive compensation?—Certainly.

787. That is to say compensation for what is of no use to them at the time?—For what they do not avail themselves of; if a man has the right to put a cow upon a common, and does not avail himself of it, the law does not necessarily take it away.

788. Is not the result of levelling and removing gorse, and planting, and draining, to take away from the commons all their natural beauties?—I think that that is entirely a question of discretion and taste; I should not myself advocate the removing of gorse from commons.

789. Would it not have the effect of making them into uninclosed parks?—I do not think that that is the intention. The Committee, in 1865, went very thoroughly into the question, and they thought that these places were generally better as commons than as parks.

790. *Colonel Barttelot.*] Have you seen the Bill which is now before this Committee?—I have.

791. The principal object of that Bill is, in the second clause, to keep open any open space?—Yes.

792. Will you define what you understand by "any open space"?—I was a little puzzled just now to know whether a space, inclosed in the way which I mentioned, was technically quite open; but I think that the Committee might make it clear by a few words.

793. In what way?—In whatever way they pleased; it is not for me to presume to dictate to the Committee.

794. In your opinion, should a portion of ground be declared to be an open space if it is within rails?—I think that the London Fields is eminently a place which was intended to have the benefit of the provisions of this Act, and the mere fact of there being a fence between it and the road, of a character from which I think the Committee would hardly consider that the space was intended to be an inclosure, but that it was practically open, should not prevent the application of the Act. As far as I understand the intention of the Act, it would include such an inclosure as that.

795. Does not the very fact of that fence being there, show that the owners thought that they had a right to keep things on the road without trespassing over the land?—It would be a very bold thing to say what was the meaning of a fence, without inquiry; it may be that it hangs on a question of right, but without inquiry you could not go into the question of the meaning of that fence; you must go into the question of when it was put up, and who put it up, and a variety of things.

796. If clients of yours, who were interested in Lammas lands, asked you whether you thought that they had any rights, or whether the public had any right to deprive them of those rights, what answer should you give them?—I should certainly say that if they had rights the public had no right to deprive them of those rights.

797. Then surely you would not include Lammas land in the same category as open common land?—I think that you might include them under the provisions of a Bill of this nature, as it does not injure the existing rights of any person over those lands.

798. You have stated distinctly that, as you understand Lammas lands, certain persons have distinctive rights between certain dates?—Yes.

799. If you throw those lands open, do you not at once do away with those distinctive rights?—The lands are open already, and they are allowed to be walked over by everybody at certain seasons of the year. Supposing even the case of Lammas lands, where cultivation actually takes place during the period mentioned, no provisions of this Act (which is not to interfere with private rights), could possibly authorise the public to interfere with that process of cultivation, the provisions of the Act would simply come into operation to restrain trespassers from going upon those lands during that time, and afterwards during the time when they were in common to preserve them as in the case of other commons.

800. So that in a case like that of the London Fields you would make an enactment making them open whether they were Lammas lands or not; and in the next parish you would reserve the right to a man who exercised his rights over such land?—I would reserve the right in both cases. Under this Act I would not interfere with any person's rights in any degree whatever.

801. How can you explain that, when you say that you would allow these lands to be common lands, and to be used as common lands, a person having the power to use those Lammas lands because he could have a crop of hay off them?—I should allow him, most unquestionably, to do so.

802. Then you would say that they should be reserved to him from the month of May to the month of August?—Yes; he has that right at present, but he does not exercise it. If circumstances should occur in cases where those rights are really valuable and capable of being exercised, there is nothing in this Act to take away the right of such a man, which he would have had if this Act had not been passed.

803. Supposing that a man grew a crop of grass upon the London Fields, supposing them to be Lammas lands, and had not grown a crop until then for a number of years, do you think that the public, having been allowed to go over

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the land for a number of years, would respect his rights?—That is another question. All I can say as to the operation of this Act is, that it seems to me that it would rather assist such persons than otherwise in making the public respect their rights.

804. Then, after all that you have said, we ought to be very careful in inserting in any Act of Parliament the words "any open space"?—If I understand the question rightly, I should rather draw the contrary conclusion; but I am not sure that I quite understand the question.

805. With regard to the 3rd clause in the Bill, taking a radius of 25 miles from Charing Cross, that is an extension of the present area from 15 to 25 miles, have you turned your attention at all to that point?—I have already said that I am not familiar with the circumstances attending the commons between those two areas.

806. Then you know very little with regard to that point?—Yes.

807. Looking broadly at the matter, do you think that the people of London would use most of these commons, supposing that they were reserved for their use, 10 miles further than they now are?—That is hardly a question for a lawyer. I prefer that the Committee should form their own opinion upon that point, and I am sure that they are more capable than I am to do so.

808. Do you know the Act of 1845?—Yes.

809. Will you read the first few words of the preamble?—"Whereas it is expedient to facilitate the inclosure and improvement of commons and other lands now subject to rights of property, which obstruct cultivation and the productive employment of labour."

810. Was not that Act passed with the intention of inclosing land generally throughout the country?—Certainly.

811. By the present Bill, which is referred to this Committee, the intention is to take away that privilege from land situated between a radius of 15 miles and a radius of 25 miles from London?—Yes, to take away the privilege of that Act.

812. Therefore you would be inflicting, to a certain extent, an injury upon those persons who have rights and privileges in the commons which are situated between the 15 and 25 miles line?—You would be depriving them of the benefit of that Act.

813. And consequently you would be injuring to a certain extent their property?—I would rather not draw an inference, but the fact is that you would be depriving them of the benefit of that Act.

814. Supposing that it was considered desirable to extend the radius to 25 miles, might it in your opinion be more valuable to select certain commons for the London public, and to pay the parties what was considered right with reference to those commons, and to leave the rest under the Act of 1845?—That is a question for the consideration of Parliament, but the policy of the present Legislation is not the paying of compensation at all, but simply a conservative policy, without purchasing or compensating rights in any way.

815. It is a great question whether in doing what you say ought to be done in making these commons available for the public, you do not trench very much on the rights of the lords and commoners?—I think that you pursue a policy which has been recognised by the Legislature, and if I rightly understand the justification for the extension of the Act, it is the increased population of the metropolis, and whether that is reasonable or not is a question of degree.

816. I will take another case which I wish to put to you; supposing that a common is very much frequented by people from London, and that you wish to improve it in the way which you state, and that it is improved in the way that you state, do you think it fair and right that the roads should be kept up by a rural parish, and that those roads should not be repaired in some other way than by the people of that parish?—It seems to be reasonable, that if rural roads are used to any extent by an urban population, the town should contribute, to some extent, to the repair of the roads.

817. Does not that show you the difficulty of dealing with these questions, unless you purchase up the rights of those persons who are interested, and make the land the property of the town?—I think that the question of purchase is a very difficult one.

818. I quite admit the difficulty, but is not the other a very great difficulty also?—I cannot myself see the difficulty of the Conservative policy which was adopted in 1866, and which I think is likely to prove beneficial; I think that other minor matters will, in all probability, right themselves.

819. Have you at all turned your attention to Mr. Cowper's Bill which has been referred to us?—Yes, I have seen that Bill.

820. It is there stated, "The term 'Suburban Common' means a common (not being a Metropolitan Common), any part whereof is situate within five miles of a city or town in England of 5,000 inhabitants or upwards, or within ten miles of a city or town in England of 30,000 inhabitants and upwards; your knowledge of England is very great, is it not, and of towns with 5,000 inhabitants?—I do not know that my knowledge of England is greater than that of others.

821. You know that class of towns?—Yes.

822. Do you not know that generally speaking, in a town of 5,000 inhabitants there may only be 3,000 inhabitants actually in the town, and that 2,000 may be situated merely in the parish, and not in the town at all?—Yes, but the population of towns has increased so much in the last 20 years, that it is almost impossible to judge of what a town may become from what it now is; I presume that these provisions are always intended to provide to a certain extent for the future; Parliament has always, apparently, gone a little further than the time present; in the Act of 1845 it was enacted, "that no lands situate within 15 miles of the city of London, or within two miles of any city or town of 10,000 inhabitants, or within two miles and a-half of any city or town of 20,000 inhabitants, or within three miles of any city or town of 30,000 inhabitants, or within three miles and a half of any city or town of 70,000 inhabitauts, or within four miles of any city or town of 100,000 inhabitants, shall be subject to be inclosed under the provisions of this Act, without the previous authority of Parliament in each particular case. That was rather an extension of the Act of 6th and 7th of William 4, because there the radius was as follows: "That nothing in this Act contained shall authorise the inclosure of any open or common arable fields, or of any open or common meadow or pasture lands or fields situate and being within 10 miles of the City of London, or of any open or common meadow or pasture lands or fields situate and being within one mile of any city or town

town of 5,000 inhabitants, or within one mile and a half of any city or town of 15,000 inhabitants, or within two miles of any city or town of 30,000 inhabitants, or within two miles and a half of any city or town of 70,000 inhabitants, or within three miles of any city or town of 100,000 inhabitants," so that the Act of 1845 seems to have increased on the Act of 1836. Then there was a great question as to area in the Session of 1865, when the whole question of open spaces was considered. The Committee state in their Report, "The first question your Committee had to determine was the limit to which their enquiry should extend. The limit of 15 miles had been first suggested, but several important spaces being situate immediately outside that area, they judged it expedient to extend their enquiry to 22, and subsequently to 25 miles round London, measured from the General Post Office, according to the Ordnance survey. Whilst, however, they have admitted evidence in respect of certain open spaces in this extended area, this was done in the first instance for the purpose of enquiry, and not to prejudge the question as to what might fairly be considered the proper limit of a metropolitan area, beyond which these open spaces should be considered and treated more with reference to their agricultural capabilities than as directly affecting the interests of the inhabitants of the metropolis as places of recreation. Possibly no exact circle of a definite radius can be drawn which may not appear to embrace too much in one direction, or too little in another; and any area which may now be fixed may be found too small in some years' time; but looking to the necessity of fixing some area, they are inclined to recommend that the district of 15 miles radius from the General Post Office, according to the Ordnance Survey (the limit prescribed by the General Inclosure Act of 1845), be adhered to for the present as the metropolitan area, to which special legislation, with a view to the inhabitants of London, should in the first instance be directed. As the metropolis extends, it will always be in the power of Parliament to extend this legislative area. In the case of a proposal to inclose any spaces beyond the prescribed area in which the metropolis is interested, Parliament will have the opportunity of considering the requirements of that particular case, upon the Bill for its inclosure."

823. I am referring specially to the case of a town of 5,000 inhabitants; in your opinion, is not the distance of five miles from a town of that sort much too great a distance?—I would rather not give any opinion upon such a point, because I think that my opinion would not be worth much; it is not a matter upon which I am competent to speak from any special knowledge which I have, professionally or otherwise.

824. Mr. *Winn.*] You have said that the Act of 1866 might have been carried out, leaving all questions of litigation or otherwise unaffected by a scheme for inclosure?—Yes.

825. What do you mean by "otherwise"?—I mean questions of dispute which had not reached the stage of litigation. I believe that there is no common in the kingdom, which has not from almost all time been the subject of disputes as to the extent of the rights between the commoners, amongst themselves, and with the lords. My investigation upon these matters has shown me that there have been disputes from the very earliest periods. There always will be disputes going on, and the word "otherwise," meant disputes which had not reached the stage of litigation.

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826. You said that you thought that the inhabitants of a district might be empowered to make bye-laws for the regulation of these commons?—Certainly; the bye-laws are to be made under a special provision of the Act after the scheme; the bye-laws are to be made by the conservators in the first instance, and they are to be approved by a Secretary of State before they become law.

827. I think that you said that in those bye-laws you would include the drainage of the common, the planting of trees, and most things which tended to make the common more useful for the public?—Yes, those objects which were desired and rendered necessary by the circumstances of the case.

828. Might not the lord of the manor, and still more the commoners, object to it upon the ground that those were claims which never existed before?—The lord of the manor would always be consulted in these cases, and if there was any substantial objection on his part, it would, no doubt, be considered; but I will suppose that the lord did not object (and I can hardly imagine that he would object) to the planting of a few trees, which would become his property, or to the drainage which might improve the welfare of the neighbourhood. The operation is, that the lord of the manor would be consulted upon the scheme, and he would state his objections; and substantially, if his beneficial rights were at all affected, the scheme could not take place without his consent.

829. I understood you to say that you would admit the inhabitants adversely to the rights of the commoners, and of the lords?—I would admit the inhabitants not adversely, but certainly substantively, to propose a scheme, and to remove nuisances, whether the lord objected or not, seeing that his interest could not be prejudicially affected by the removal of the nuisances; when you come to an improvement it is a different thing; if any improvement substantially affected his rights, it could not take place without his consent; but if it did not affect his rights, it could not be objected to; I would require his consent to any substantial infraction of his rights; there might be a technical interference with his rights as regards drainage; you cannot open the soil without going upon the land of the lord of the manor, and it is a question for Parliament whether they would not give the power, under certain restrictions, to pursue that drainage if the health of the district required it, even against the consent of the lord of the manor; that is a very fair question for discussion, and it is one which would have to be considered on the carrying out of any scheme.

830. Would you give the power for this drainage without prejudice to the rights of the soil?—Yes.

831. You said that you thought that compensation should be given where any valuable rights were interfered with, but not where any speculative rights were interfered with; what did you particularly refer to?—I meant by the interference with a speculative right a mere interference with the soil by the opening of drains, without depriving the lord of any substantial rights. Although the opening of the soil might be construed to be an interference with the right of the lord, I think, that in the case of a real and necessary public advantage it might not be unreasonable to enact that that should be done without any compensation to the lord.

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832. Then in what cases would you give compensation?—I think that it would be safer to omit compensation altogether; but a case in which compensation might arise would be the case of gravel digging; I will illustrate that by the case of Blackheath; the Crown is the lord of the manor of Blackheath, and it was given in evidence before the Committee of 1865 that the Commissioners of Woods were in the habit of digging gravel; the people complained of the operation of that right as affecting the general comfort of the inhabitants and the enjoyment of the common; supposing that that right to dig gravel were found injuriously to interfere with the public, and with the inhabitants, and that an arrangement could be made with the lord of the manor to forego it, it would, of course, be reasonable that he should have compensation; there would be the deprivation of a substantial benefit; the Commissioners of Woods got 65 *l.* a year in the case of Blackheath. After the report of the Committee of 1865, the Crown gave up that right, and in the Act of 1866 there was an express power for the Crown to forego that right for the benefit of the public; that could not be expected to be done in the case of a private individual, and, therefore, in a case of that sort, if there was a restriction, it would only be fair that compensation should be awarded; but I take leave to observe upon that matter, that it might be settled by private arrangement without any provision in the Act, and I think that under this Act the principle of compensation has been open to a great deal of misconstruction, as extending to what it was not intended to extend to.

833. You do not think that the lord and the commoners would have any right to land which was intended to be inclosed; suppose a case in which you had given a large sum for the manorial rights, because of a proposed inclosure, you do not think that you would be entitled to any increased compensation on that account?—I should not be entitled to any compensation for any rights which were not taken away; the whole principle of this Bill is not to take away any rights.

834. If you admit the public over the common, you practically deny its use for certain purposes?—I do not admit the public at all. There are certain open spaces which, in fact, are used by the public, and which require protection.

835. Then you would not admit the public to any open spaces of which they had not hitherto made use?—Certainly not.

836. As to Epping Forest, you said that you thought that the whole of Epping Forest ought to be included within the limits of this Bill?—I hope that I did not use the word "ought"; but I was asked to make a suggestion, and I stated that as the greater portion of Epping Forest is already included, it would be convenient if you extended the limits so as to include the whole.

837. In the interest of the public, do you think that it is desirable that a hard line, say, of 25 miles, should be drawn around the metropolis, or that certain commons should be scheduled in the Act as commons, which should not be inclosed without a special Act of Parliament?—That is rather a question of policy, and practice; practically, I think, that you would find that it would be considered invidious to pick out particular commons, instead of making a general law for a district; and I think that Parliament has always defined a district, and made a general law within that district, rather than making a special law, applying to certain selected places; if I were proposing a measure to Parliament which I was interested in carrying I could forsee a far greater difficulty and objection in the one case than in the other.

838. Might there not be spaces beyond the 25-miles radius, which, in consequence of railway communication, would not be further practically for the public than many other spaces which would be geographically nearer?—Yes; but then the parties could go to Parliament. If the general policy is right to include a certain area within the law which you make, then the necessity for an exception must be proved to Parliament in the cases where a particular space is proposed to be taken out of that area, and the only objection to that course would be the expense.

839. Might there not be some spaces which would be so small that it would not be worth while to have a special act for them?—Yes.

840. And which it would be of no great importance for the public to use?—That would be entirely a question of opinion.

841. You stated that the commoners generally were opposed to the inclosure of open spaces; do you mean that to apply to the whole of the kingdom, or only to the next metropolitan district?—In all the great cases of contest with the lords of the manor who have endeavoured to inclose, the commoners, have in fact, practically fought the battle of keeping the commons open, and I had those cases in my mind when I answered that question, but I think that it would be hazardous in me to pronounce any opinion on behalf of the commoners generally.

842. Mr. *Knight.*] You are probably aware that the lord and the commoners, if combined, and claiming the fee, have a common law right of inclosing a common?—That is generally so considered.

843. Do you think that it would not be at all interfering with those rights, if the public were to expend a large sum of money on a scheme of this kind?—No; I think that the public do it entirely at their own risk; if you limit the scheme, as has been done in the case of Hayes, the public, in expending their money, do it at their own risk, and I do not think that they would ever get a sixpence back in case at any future time the common was inclosed.

844. Supposing that the lord and the commoners thought fit to apply for a private Bill to inclose the common after you had spent a large sum of money upon the scheme, do you think that they would have the same chance of getting an Act of Parliament, as they would have had originally?—I think that that must depend upon circumstances; I do not think that the persons who spent their money would have any right, upon that ground, to oppose the inclosure; upon other grounds they might urge general policy, but where there is a distinct clause that no rights are to be affected, I do not think that they could afterwards urge any expenditure upon such a plan as a ground for opposing the inclosure in any way.

845. You think that the Act of 1866 was an Act rather opposed to the principle of compensation; how do you account for clause 15, which gives compensation?—Clauses 15 and 16 were put in at a very late stage of the Bill, by a noble lord who opposed the Bill to a certain extent; they were put in for his protection, and were not in the Bill as originally drawn. Although I do

not

not consider that those clauses in any way destroy the effect of the Act, yet I am quite of opinion that the presence of those clauses has created in the minds of many persons a misconception of the objects of the Act; I think that they are unfortunate clauses in the Act; I do not think that they are required for its operation, and I rather think that they tend to prejudice the view which might otherwise be taken by persons having to carry out the Act.

846. Even with the view of protecting the present rights of the owners of the commons?—That might have been done by putting in a short clause protecting any right. I should say that under no circumstances should any right be affected.

847. Then you would allow gravel pits to be dug, or minerals to be obtained?—It is not at all competent at the present moment for any person to dig gravel pits to the prejudice of the commoners; it is all a question of degree, how far gravel may lawfully be dug, but it must remain subject to the operation of the law as it is now. The lord of a manor cannot dig gravel pits to the detriment of the pasturage, but he might come to an agreement with the commoners, and the other manorial operations might be carried on; all that is now prescribed by the law, though there is no definite arrangement for carrying it out, and if the Inclosure Commissioners adjusted the matter, I think that it might be better carried out. But that is hardly within the purview of the scheme.

848. The Commissioners could hardly adjust these rights without making an allotment of land, could they?—I should not propose that; but in cases of difference, I think that it might be decided where a gravel pit should be dug, it being an acknowledged principle that it should be dug at a place where it occasioned the least injury to the pasturage. That is a point of some dispute under present circumstances, and the difficulty arises from the fact that in former times the lord and his court was the judge in those matters; whereas all that machinery is now done away with, and the dispute cannot be settled except by private arrangement.

849. Mr. *Cowper.*] My Bill was originally drawn in such a way that no rights should be taken away unless with consent?—Yes, no beneficial rights. It was always contemplated that there should be the power of drainage, but it was considered that drainage would not take away anything, but would rather add to the value of the land.

850. Was this proviso, by which rights of a beneficial character as to the common might be taken away, put in not by the promoters of the Bill, but by some persons who were afraid that it might act prejudicially to their interests?—Yes.

851. Do you think that the good working of the Act of Parliament would be rather promoted by providing that no person's right should be taken away, whether beneficial or otherwise, without his consent?—Yes, that is the result of my experience.

852. You have been asked whether the operation of this Metropolitan Commons Act, which gives the lords of the manor and the commoners the power of protecting the common under the care of the Inclosure Commissioners, does not deprive the lords of the manor of their property; will you inform the Committee what right of property this Metropolitan Commons Act takes away from any lord of the manor; does it deprive him of any right which he has over the common itself?—Certainly not.

853. Does it deprive him of any power which he might have of inclosing the common with the assent of the commoners by means of the common law?—Certainly not.

854. Does it deprive him of any opportunities and powers which he may have of inclosing the common by the customs of the manor?—No.

855. Does it deprive him of the power of applying to Parliament for a private Act?—Certainly not.

856. Does the matter merely consist in this, that he is deprived of the facilities which the Inclosure Act of 1845 gives to him?—That is so.

857. What is your opinion as to the principles of the Inclosure Act of 1845; does it appear to you that the intention of the Act was to increase the private property of any individuals, or was it for purposes relating to the public good?—The purposes seem to me to have been entirely directed to increasing the produce of the country, and to continuing the policy which was dictated by the Committee of 1800 regarding the increased production of the country by cultivation of the waste lands, and with a view to adopting a more convenient machinery, and saving the expense to various parties of separate applications to Parliament.

858. There were several Committees to which you can refer as preparing the way for the Inclosure Act of 1845; was there one in the last century?—A Committee sat in three sessions of Parliament, in the years 1795, 1797, and 1800, under the presidency of Sir John Sinclair, and the Reports are printed under the head of "Poor" in the Reports of the Committees of the House, and have been reprinted by order of the House. The Reports relate chiefly to the exportation of corn and grain, the employment of the labouring poor, and incidentally to the cultivation and improvement of waste lands; and the result of the consideration of the Committee is, that, with regard to the employment of labour, and with regard to the increase of the productiveness of the country, and to avoid scarcity, and so forth, a great portion of the waste lands might be advantageously cultivated. They instanced that out of the total extent of the whole country, which is something like 46,000,000 acres, there were 7,000,000 acres of waste land in England and Wales; and they instanced the inclosures which had taken place from the commencement, the first being in the reign of Queen Anne. In England and Wales there were uncultivated 7,888,777 acres, and there were cultivated 39,027,156 acres, the total being 46,915,933 acres. The Committee drew the conclusion that it would be very desirable to bring a great portion of that waste land into cultivation. They contemplated that at the close of the war there would be a great number of disbanded soldiers, and that it would give them a great field of labour, and increase the productiveness of the country, and render England less dependent upon foreign countries for the importation of grain. No one can read these reports without seeing that that was the chief thing in the minds of the Committee; they instance the expense of inclosures by private Acts.

859. You state that the object of the Committees which sat previously to the Inclosure Act was to increase the food of the people; do you

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you find anything in the Reports of those Committees, or in the preamble of the Act, to lead you to suppose that the main object, or any important object, was to increase the rights of property of private individuals?—Certainly not.

860. You have said that you find that by the 14th section of the Act of 1845, suburban commons, or commons in the neighbourhood of towns, are dealt with in a different manner from the rest of the country; are you of opinion that the advantages which were intended to be gained by the country at large, do or do not apply at the present moment to the inclosure of those commons which are contiguous to towns; do you think that those general advantages which were aimed at by the Inclosure Act, practically apply now to the inclosure of commons in the vicinity of towns?—I think that it is perfectly evident that the commons in the vicinity of towns are not available to the same extent for agricultural purposes, and that it would be almost impossible so to devote them.

861. Has your experience of the matter led you to suppose that the object sought for in the inclosure of commons in the vicinity of the metropolis, is for the purpose of building, and not for the purpose of tillage or pasture?—Certainly.

862. Consequently any public policy which might relate to agriculture would not apply to these spaces in the neighbourhood of London where no agriculture is in view?—Yes.

863. Will you state whether you consider, from looking back to the ancient history of England, that the private right which the lord of the manor has in a common, or in the waste of a manor, is exactly the same as the private right which he has over his own domain, which he may inclose against all comers?—I think that that is a difficult question; it is a legal question upon which a great many different opinions have been expressed. I think that, historically, it can hardly be doubted that the nature of the enjoyment of lands which were taken into a lord's domain was a very different one from the dominion which he exercised over the waste and uninclosed lands within his territory of the manor. We all know that in old times the business of the country was carried on by lords of the manors, with their courts, through the country; the lord of the manor was a kind of sovereign; in some cases he had the power of life and death; he, at all events, had a jurisdiction in all cases of crime in early times, and his courts were the courts to which all the persons in his district resorted for justice; he had, moreover, to lead them to battle in time of war, and he was answerable for the well-being, for his own sake, of the whole of the community; he was answerable to his sovereign for the due performance of the military and other services required of him; and he was dependent upon his tenants for their assistance in defending his rights. It was a matter of necessity at that time to have these commons and open spaces; and there is not a single manor in England without a common over which the tenants had their rights of pasturage or wood in early times. Then came the Statute of Merton, which said that in many cases these wastes were so large as to be beyond any purposes for which they could be used by the tenants; it gave the lord liberty to cultivate portions of the waste provided he left enough for the tenants of his manor; that Act was in the year 1235, and it was afterwards amended by the Statute of Westminster, in 1285. Then, in 1549, in the reign of Edward the Sixth, the Acts of Merton and Westminster were renewed, from which we may infer that they had been disused; when we get down to the present century we find that the rights of the lord to inclose under the Statutes of Merton and Westminster are practically at an end. We find that in the year 1795, when Sir John Sinclair's Committee sat, they said, "It is hardly necessary to remark how insufficient these statutes were, for bringing any considerable portion of waste lands into a state of cultivation. It was seldom that any common was sufficiently extensive, to afford a surplus of any moment, after the claims of those who had a right of common on it were satisfied. It was hardly possible, indeed, in many cases, to ascertain what was a sufficiency of pasture; and where a common of turbary or esteovers existed, the lord could not improve any part of that waste." The right of approval (as it is sometimes called) was considered to be at an end at that time; it had probably then been disused for a long time; and the fact of those statutes being practically defunct, gave rise to the present legislation, which has now lasted in an unbroken course from the year 1709 until the year 1801, when there was a General Consolidation Act, and until the Inclosure Act of 1845 was passed.

864. Then, originally, the lord of the manor stood in relation to the wastes of the manor in rather an administrative and judicial and representative character than as a private owner?—I consider so, as a matter of history.

865. And when subsequently it became necessary to alter the state of things which existed by the common law, the General Inclosure Act was passed for public objects?—According to the recitals in the Acts of Parliament and the reports of the Committees of the House I take it that it was so.

866. Do you think now that the objects of public policy, owing to the different circumstances, are on the other side of the question of inclosure, as regards the commons in the neighbourhood of the metropolis and of other towns?—I can hardly say that they are on the other side, because I find in 1845 distinct evidence that the policy of the Act of 1866 was recommended by Mr. Blamire, the Chief Inclosure Commissioner, as being thought necessary at that time. Mr. Blamire used almost the exact words which we have used; he said that a large open space of ground should be put into such a condition as would augment, and not diminish, the means of enjoyment in the neighbourhood, and he seems to have shadowed out the very policy which dictated the Act of 1866.

867. While a waste of a manor remains uninclosed, have the public at large the power of wandering over it, without being practically stopped?—That is a question of law; I do not know whether you ask that as a question of law, or as a question of fact.

868. I ask it as a question of fact?—As a question of fact we all know that there is no restriction to persons going over an uninclosed common.

869. From your legal knowledge and experience, is there practically any power of bringing any action against persons who wander over a common, in a case where there is no inclosure. Does the fact of the absence of an inclosure practically prevent the success of an action for trespass?—I do not believe that any such action would

would practically succeed at law, if defended; but if it did, I do not believe that any jury would give any damages beyond nominal damages. I differ with many persons who think that such an action might be maintained. I do not think that such an action could be legally maintained.

870. Have the courts of law come to any decision which would enable you to say whether the public have anything which could be called a right, with regard to wandering over an uninclosed waste of a manor?—There has been a sort of decision; but there have been no authoritative decisions which would enable one to give a short answer to such a question. I have my own view with regard to it; but perhaps it would not be well to trouble the Committee with all the legal bearings of that question. I think that there can be no doubt that politically and practically commons have always been considered to be open places, and persons have gone upon them.

871. Mr. *Knight.*] Are you speaking of commons near the metropolis, or not?—Yes, I think that commons which have never been subject to cultivation have been practically used. When I was a boy I always went over them when I had the chance, and I have never heard of any person being stopped. With lands which are inclosed or tilled it is a very different thing.

872. Are you aware that many commons are strictly preserved, and that the gamekeepers warn persons off them?—Yes, as to game, certainly.

873. Mr. *Cowper.*] Is it the case that the operation of the Metropolitan Commons Act upon lords and commoners is not so much to deprive them of any right of property as to deprive them of the privilege of having the machinery of the General Inclosure Act to give them the advantage of dividing their interest in inclosing the land?—That is so.

874. Although Hayes Common is the only common which has yet been brought under the operation of this Act, are there other commons within the metropolitan police district in which persons connected with them, or residing near them, will probably have to invoke the action of the Commissioners at some future time?—Certainly. I have had a good many communications on the subject. Before I was in my present office I heard of a great many cases, and I have no doubt that they are contemplated.

875. Therefore you would not think that we have any reason to suppose that in future years our commons within the metropolitan police district may not be brought within the operation of the Act in the same way as Hayes Common has been?—I have no doubt that when the operation of the Act comes to be better understood, and when the fears which have been entertained (as I cannot help thinking), even by many honourable Members of this Committee, have been dissipated, which have no foundation whatever, that Act will be very extensively applied. I think that it is a most valuable provision.

876. Do you attach great importance to that portion of the Act which enables the inhabitants of a place to contribute money, which would preserve the surface from injury, and would enable them to provide the means of enforcing bye-laws and regulations for going on the common?—Certainly; I think it a very wholesome thing. If a man has provided money for a certain object he will take care to see that the object is carried out; and I do not think that the expense would be very heavy. I think that the knowledge that an authority existed, and that a person in authority was walking about a common, would, in most cases, be quite sufficient to prevent irregularities, nuisances, and disturbance. Of course drainage might be an expensive thing, it would be a luxury, and planting would also be a luxury.

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877. Therefore you say that the means used to preserve a space for those persons who wished to take recreation upon the common, would also be beneficial to any commoners, or any lord of the manor, who were to exercise their common rights?—Yes.

878. Mr. *Knatchbull-Hugessen.*] In the case of a wet and unhealthy common near a town, if parties went to the expense of a scheme, would they not be sure to drain it, and to make it healthy, but if the advantages which are held out by this Bill to persons having rights in such commons, were not such as to induce them to promote a scheme, would not the result of the exclusion of such a common from the General Inclosure Act be, to leave it in its present unhealthy state?—Not necessarily; it would entail a greater expense on the parties who promoted the inclosure, because they would then have to go to Parliament for a separate Act, instead of applying to the Inclosure Commissioners.

879. Are you aware how many private Acts have been applied for since the passing of the Act of 1845?—I should doubt whether there had been any; there certainly have not been many.

880. Was not the object of that Act to prevent the expense of private Acts?—Yes, one object.

881. Are you quite sure that you can apply now for private Acts?—Certainly.

882. I understood you to say that, judging from the history of England, the rights of the lord of a manor over the waste land were formerly mainly of an administrative character?—Yes; he, in olden times, took no benefit from it himself; he had his own domain and park; he always had the right of soil, but the rights of common were in the commoners. The best illustration of that being so is, perhaps, the practice of the Inclosure Commissioners, which ought not to be confounded with law. The practice of the Inclosure Commissioners, according to a rough estimate of the rights, has always been to give the commoners about 15-16ths of the common, or something of that sort, reserving the 1-16th to the lord for his seigniorial rights.

883. That is as between the lords and the commoners, and it has nothing to do with the general public?—Just so.

884. As to the history of England, will you refer me to any decision of a superior court of law which maintains the interpretation that the rights of the lord are merely of an administrative character?—The word "administrative" must be understood in the sense in which I have explained it, and further than that, it is of very litte value. Honourable members understand that subject, and they study the history of England as well as I do, but I ventured to express the opinion that the lord himself did not exercise any beneficial use of the common as a general rule, except in the matter of game, or in the matter of trees, but that the use was generally by the commoners.

885. In fact, your opinion as to the rights of the lord has been gathered from a general idea of English history, and not from any study of the decisions

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cisions of courts of law upon the subject?—Just so.

886. Mr. *Cowper.*] Was not the period of which you are speaking, antecedent to the decisions of the courts of law, with regard to which the honourable Member has been asking you?—I began by referring to a period prior to the Statute of Merton.

887. Mr. *Bonham-Carter.*] Mr. Cowper asked you whether the public had not the power of going over these open spaces; did I rightly understand you to say in your answer that they physically had the power, or that they legally had the power?—I answered that they had the physical power. I declined to answer any other question.

888. *Chairman.*] You mean that they practically had the power?—Yes.

889. Mr. *Bonham-Carter.*] Are you not aware that it has been held that a commoner has no right to go upon a common, except for the purposes of commonage, and that if he has a right of pasture, that is only a right to turn out his cattle, or only to see that there is pasture at the time of turning out, and that it would be trespass if he went upon the common for any other purpose?—I certainly dispute that as a proposition of law. I should not like to answer that question without going into the whole law upon the subject, and I am afraid that it would be too long a chapter for the Committee to hear.

890. We will take a case where the right of sporting is clearly preserved; I will suppose that I give notice to a person who is not detected in a breach of the actual law, that he shall not trespass upon that common; is it not the practice that I can prosecute that man for trespass, and that it is constantly done in the county court after notice?—Do you mean for going upon the common at all?

891. Yes?—I have not heard of such a case.

892. The Act of Parliament requires the consent of two-thirds of the parties before it admits the lord and the commoners to participate in the benefit of the Act of 1845?—Yes.

893. Do you not think that there are many cases in which it is not desirable that so large a majority should control the minority in matters of property?—I have never thought it at all within my province to question the general policy of the Inclosure Act.

894. In many cases the common is held only between the lord and the commoners?—That is a difficult question.

895. Are there not cases of Shack lands in which the right of property in the common is only between the lords and the commoners, as to the Shack common rights?—I think that that is very likely.

896. That being a property, do you not think that it is very desirable that a very small minority of the owners of such property, who are as it were joint owners, should not control the majority, and certainly not so large a majority as two-thirds, in their realising that which is vested in them as joint owners?—I am quite unable usefully to give an opinion upon such a point.

897. Mr. *Johnston.*] Has not a perusal of the court rolls led you to come to the opinion which you have come to, as to the rights of the lord of the manor being of an administrative character originally?—Yes, in many cases.

898. Mr. *Reed.*] You have quoted the report of Sir John Sinclair's Committee; what proportion of land has been inclosed since that date?—I have no record of inclosures between 1801 and 1845; since 1845 there have been 614,804 acres inclosed. I cannot find the particulars as to the gap which exists between 1800 and 1845, though I have been looking for them. Up to 1800, 2,837,873 acres were inclosed under private Acts, and from that time to 1845, there were, I believe, about 2,000 Acts passed, but I cannot find the acreage.

899. *Chairman.*] Probably fully three-fourths of that uninclosed land have been inclosed since?—I should not think so much.

900. Mr. *Winn.*] You said, as I understood you, that it was the practice of the Inclosure Commissioners to allot 15-16ths to the commoners, and about 1-16th to the lord of the manor?—Yes.

901. Do you not know that that 1-16th is only for his right in the soil?—Yes, for his right in the soil, or his seigniorial rights, or whatever you may call them.

902. What will his seigniorial rights be; is it not simply for his rights in the soil?—As owner of the soil and everything else to which he is entitled.

Monday, 12*th July* 1869.

MEMBERS PRESENT:

Colonel Barttelot.	Mr. Andrew Johnston.
Mr. Bonham-Carter.	Mr. Charles Reed.
Mr. William Cowper.	Sir Henry Selwin-Ibbetson.
Lord George Hamilton.	Mr. Frederick Stanley.
Mr. Knatchbull-Hugessen.	Mr. Rowland Winn.

EDWARD H. KNATCHBULL-HUGESSEN, Esq., IN THE CHAIR.

Mr. ROBERT CECIL AUSTIN, called in; and Examined.

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903. *Chairman.*] You wish to give evidence respecting a common which is within the metropolitan area?—Yes.

904. What common is it?—It is called Fairmile Common; it is in the parish of Cobham, next Claremont, which has been lately given to Her Majesty.

905. Is it a common which is under the provisions of the Act which we are now considering, or is it a common which would be brought under these provisions by an extension of the Act?—It is one which would be brought into it under the extension of the Act; that is my object in giving evidence to-day. The Bill of Mr. Chambers, the Common Serjeant, would include Fairmile.

906. Do you attend here by the wish of any body of persons, or simply as giving your own opinion? — I attend as giving my own opinion as regards the common itself, which is attempted to be inclosed; and I moreover speak in behalf of my richer neighbours around. I speak in behalf of gentlemen of very large property around the neighbourhood. I may say that I represent them.

907. Then you are not here to-day as an advocate of the poor resisting an inclosure, but you are here as an advocate of rich gentlemen?—Hardly that, because I think that I should explain that I only advocate the interests of the poor which are attempted to be destroyed. The land consisted of about 1,300 acres originally, but an Act of Parliment was passed in 1793.

908. Where is the common?—It is situated about 16 miles from London; it is in the parish of Cobham, and near to Esher; it is three miles from Esher Railway Station. By an Act of Parliament which was passed in 1793, an inclosure was made of 1,000 acres of land, but from what I can gather 303 acres were then left out, for the purpose described by the Act of Parliament. It was left to a certain number of poor persons for the purposes of pasturage, cutting turf and heath for fuel; but I shall place the Act of Parliament before the Committee, which will describe it in its own language. The inclosure of 1,000 acres was made, leaving out the 303 acres. I believe that there were as many as 132 cottagers who would benefit by the 303 acres being left out. The persons to benefit must be so poor that they must really be occupiers of cottages not exceeding 6*l.* and 10*l.* in annual value; and I wish to observe here that the owners of the cottages had no rights whatever, but that the rights vested in the occupiers.

909. Is that under the Act of Parliament?—This is under the Act of Parliament, which I shall presently place before the Committee. As time went on, these cottages came into the possession, as they now are, of many persons of large wealth. I may mention that the Countess of Ellesmere holds two of these rights, and that Lady Moore holds one or more. I have the names of the owners of rights. The rights are now in the hands, as I maintain, of an entirely different class of persons from those to whom they were left for the purpose of benefiting.

910. Will you be kind enough to state what these rights were which were left to these 132 persons?—The tenants of the cottages have the sole right of pasturage, and cutting turf and heather for fuel.

911. Over the whole of the 303 acres?—Over the 300 acres, the odd three acres being left out for digging gravel for the repair of the roads.

912. Then, as I understand you, that which was reserved in 1793 for poor persons, has somehow or other come into the possession of a rich class of persons?—I think so, and I shall be able to prove that to the Committee.

913. Do you mean to say that those houses which formerly were only worth 6*l.*, 8*l.*, or 10*l.* a year, have risen so much in value that they are inhabited by a different class of persons?—No; many have been pulled down altogether, and do not exist at all; but the rights over the common exist, and I may say that the largest farmer is Mr. Thomas Bennett, who possesses, I believe, as many as 12 of these rights. The rights were originally allotted to the tenants of the cottages of a value of not more than 6*l.* or 10*l.* a year. Perhaps it would assist the Committee if the Act of Parliament itself were read; I have got a copy of the Act, the date of it is 1793.

914. Is it only with regard to these 300 acres that you are now giving evidence?—Yes; the other portion has been inclosed.

915. This Act, which appears to be an ordinary private Act for the inclosure of the common, sets forth in this clause, "And be it further enacted, that the said Commissioners, or any two of them, shall, and they are hereby required, after setting out roads and ways, bridges and drains, and ground for gravel pits as aforesaid, to set out and allot 150 acres of Fairmile, 70 acres of Chatley Heath,

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Heath, being the least valuable part for cultivation of the said commons or waste lands, 20 acres of Poynter's Green and Downside Common, 20 acres of Little Heath, 20 acres of Old Common, and 20 acres of the Tilt, Leigh Hill, and Brook Hill, making in the whole 300 acres, in as many different allotments as to the said Commissioners shall appear expedient, and which allotments shall include the private roads necessary to be left for access to the different cottages and houses situated on such commons or waste lands, for the use of the occupiers of houses or cottages now standing and being within the said manor and parish, without more than one rood of land belonging to and used with the same as garden or orchard ground within the said manor, the yearly rent of which, at the time of passing this Act, shall not exceed 6 *l.*; and for the use of the occupiers of houses or cottages and gardens, orchards or land together, within the said manor, the yearly rent of which, at the time of passing this Act, shall not exceed 10 *l.*; and the occupiers of such houses or cottages and tenements for the time being, shall at all times afterwards have the sole and exclusive right of using the said parts of the said commons or heaths so to be set out and allotted for the purpose of pasture, and of cutting turf and heath for fuel in equal proportions, according to the number of the said houses and cottages without paying anything for such use; and the said Commissioners, or any two of them, are hereby required to set forth and describe all such cottages or houses with their respective rents, in the award to be made by them as hereinafter directed; and in case any other person or persons not holding cottages, houses, and tenements of such yearly value and descriptions as hereinbefore mentioned, shall at any time or times turn out sheep or cattle of any sort, or cut any heath or turf on the said commons or heaths so to be set out and allotted as next before mentioned, every such person so offending, being thereof convicted before one justice of the peace for the said county of Surrey, upon information thereof upon oath before any such justice, shall forfeit and pay for each such offence the sum of 40 *s.*;" and then there is a distribution of the penalty, half to the informer, and half to the poor; according to this enactment these 300 acres were to be for the use of the occupiers of lands and buildings of a certain value?—Yes.

916. What has become of the land in cases where the houses and cottages have ceased, and the occupation has also ceased?—The land is now in the possession of about 43 persons; of these 43 persons the chief is Mr. Charles Combe.

917. Is it held that those allotments cannot be parted with?—It has never been so held yet.

918. But has that practically been the case?—Practically, the cottages which these rights represented, fall into the hands of such persons as Mr. Charles Combe and Lady Ellesmere and Lady Moore; the two ladies have signed a petition against this attempt to inclose the common. Some of these 43 persons are now attempting, by means of law, having applied for a mandamus, to compel the lord of the manor to show cause why he refuses to give his sanction to the inclosure of this common, which he has always resisted.

919. Who is the lord of the manor?—The Rev. Mr. Mount; he has always resisted the inclosure, and a mandamus has been applied for, which is to be argued next term, for him to show cause, with the Inclosure Commissioners, why these 303 acres should not be inclosed,

920. Who is promoting the inclosure?—It has been promoted by Mr. Charles Combe and by Mr. Worsfold, and by persons who possess these rights, into whose hands these poor cottages have fallen as their property.

921. I understood you to say that you represented some of those persons who are opposed to the inclosure?—All the persons whom I represent are opposed to the inclosure.

922. But some of them have these rights?—Yes; the Countess of Ellesmere has these rights, but she is opposed to the inclosure, and so is Lady Moore.

923. Then among those persons who claim to have these rights, there is a difference of opinion as regards the inclosure?—Certainly.

924. What is the number of persons who have these rights?—About 43.

925. Then is the state of the case this, that those of the commoners who wish it are going for some power at law to compel the inclosure?—Yes.

926. Are you aware of any case in which such a proceeding has been taken before?—I speak as a barrister professionally, and in my opinion such a step is unprecedented.

927. Is it not the case that under the General Inclosure Act the lord of the manor has a positive veto upon an inclosure?—I have always understood so; but that is a case which has to be argued.

928. Were the rights of the lord of the manor supposed to be ousted by the Act of 1793, and was his claim compensated for then?—No; he, I believe, maintains that he has still an interest under this Inclosure Act; and that will be one of the questions before the Court of Queen's Bench next term.

929. There will be a question whether, in fact, the Act of 1793 did or not take the lord of the manor out of his position as lord of the manor with regard to the 300 acres?—That, I imagine, will be one of the questions submitted to the Court.

930. Then, in fact, in this case, instead of, as has been represented to us as sometimes the case, a lord of the manor rather promoting an inclosure against the interests of the poor, a lord of the manor is opposing an inclosure against the interests of the poor?—Yes; it is, I think, the first case of the kind on record.

931. Will you proceed with your statement?—I should maintain that, when the common is inclosed, the very persons for whom the 303 acres were left out, in order that they might be benefited, would be most seriously damaged. But, on another bearing of the question, all those persons who have built their houses overlooking Fairmile Common, such as Mr. Poulett Scrope, who is my next neighbour, and who for a great many years was a Member of this House, and Mr. Price, a gentleman within a very little distance from my own house, and who possesses large property, and many other similar persons, all around this common would be seriously damaged by its falling into the hands very likely of persons who would use it for great public buildings, or cottages, or some other nuisances, and we cannot tell what might occur by the proposed inclosure.

932. Do you know what proportion of the 43 persons are opposing the inclosure?—I am only able

able to say that all the persons who now possess the rights would so greatly benefit by the realisation of this land, that with the exception of the Countess of Ellesmere and Lady Moore, I do not think that there would be many others that I am aware of objecting to the inclosure. I am not aware personally of any others who are against the inclosure who themselves possess rights.

933. That being your view, and you being opposed to the inclosure, you are here to advocate the extension of this Bill to a radius which would include this common, and would prevent its being inclosed?—Yes.

934. Have you general evidence to give upon the matter?—No, except that I am speaking generally on behalf of all those around me, and I believe that Parliament will be petitioned, and in fact a petition is in the course of signature, so as to facilitate the Bill of Mr. Chambers the Common Serjeant, as we should be within the limit of 25 miles.

935. What is the character of this common?—It is at present a wild country of heather and gorse; it is of no value for agricultural purposes, but only for the purposes which the Act of Parliament stated, namely, for the purposes of fuel, &c.

936. Has any of it ever been used for garden ground?—No. I believe that there would be no power for the poor to use it beyond what the Act of Parliament specifies.

937. Has it been used to any great extent for the purpose of pasture?—I believe that many of the poor occasionally turn out their cows.

938. For nothing?—Yes, and they cut their fuel for nothing.

939. Are there many poor in the neighbourhood still left?—I ought to have mentioned that the 303 acres are not all together in the parish. I can give the Committee the proportions; they are in the Act; 150 acres at Fairmile, 70 acres at Chatley Heath, &c. I can say that poor people use the common at Fairmile.

940. But where there are poor, they would feel the proceeding to be a hardship?—I do not see that they would be at all benefited by the inclosure.

941. Have they now rights of which they would be deprived by the inclosure?—Yes; it is the occupiers, and not the owners who now possess the rights.

942. Are people in the habit of walking over this common; is it much used as a place of resort?—It is one of the most beautiful spots near London, and is much frequented; it is a nice walk from Esher of about a mile and a half, or two miles.

943. What is the population of Esher?—I cannot say.

944. Are there any other commons round Esher which are uninclosed?—I know that there is one where the rifle corps have their butt; but I do not know why it was not inclosed, or any circumstances connected with that common.

945. Nor, perhaps, do you know its size?—Nor do I know its size.

946. What is the distance from London; how would you get to this common from London?—Fairmile Common is 16 miles from Hyde Park Corner by road; but as the crow flies it would be within a distance of 15 miles. It is a question to be argued at law whether we are not even now within the radius as to some part of the common.

947. Have you anything further to state in order to elucidate your case?—No; I shall be very happy to answer any questions which may be put by Members of the Committee.

948. Sir *Henry Selwin-Ibbetson.*] You stated that you appeared for a number of people who were going to petition in favour of this Bill of Mr. Chambers?—Yes.

949. Are any of those people among the 43 owners of rights on the common?—Yes; they have taken this step, namely, to petition the Inclosure Commissioners against proceeding to inclose this common, and showing them the statement which I have endeavoured imperfectly to make to the Committee; the effect of that is embodied in a petition to the Inclosure Commissioners, which bears the signatures of all my neighbours of whom I speak.

950. Among those neighbours and those people who intend to petition, and have petitioned, are there any of the 43 owners of rights of common, or are they simply persons residing in the neighbourhood?—They are chiefly persons residing in the neighbourhood, but the Countess of Ellesmere and Lady Moore have rights on the common.

951. In answer to another question, you said that these 300 acres were land which could not be applied with advantage to agricultural purposes?—Yes.

952. A part of this same common has already been inclosed to the extent of nearly 1,000 acres?—Yes.

953. Is it profitably cultivated?—I bought two acres with my house about 10 years ago. The land is very poor, and chiefly consists of sand.

954. In fact this land was reserved as being the least valuable part of the common?—Yes, and as I imagine, being too valueless to be inclosed, and therefore it was given over to these poor people.

955. Mr. *Bonham-Carter.*] Am I to understand you that this common is outside the area which is comprised within the operation of the Metropolitan Commons Act?—We understand that it is outside the area of the operation of the Metropolitan Commons Act.

956. What steps have been taken before the Inclosure Commissioners?—A petition is going to be presented to the Inclosure Commissioners to prevent the inclosure, and if I have it here I will put it before the Committee.

957. You do not quite apprehend my question. What steps have been taken under the Act of 1845 to bring the subject of this inclosure before the Commissioners?—I cannot say whether any steps have been taken to bring it before the Inclosure Commissionors until recently.

958. You are aware that the proceedings before the Inclosure Commissioners of 1845 commence with a representation to the Commissioners of the desirability of the inclosure, by at all events one-third of the ostensible rights?—Yes; I have no doubt that that is properly done, but I was always kept in the dark as respected any steps which the parties took with regard to inclosure, because my house abuts upon two sides of the common, and naturally any steps which they would take so as to put the Inclosure Commissioners into action, with a view to inclose that common, would be kept most secret from me.

959 Are you not aware that part of the proceeding of the Inclosure Commissioners is affixing

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a notice to the church doors?—I have not seen that notice, but I have no doubt that you will find from the examination on the other side, whether that requirement was complied with or not. I do not mean to say that it was not done.

960. You reside there, and I understand from you, that a very considerable amount of interest is excited on the part of people who do not desire the inclosure to be carried out?—Yes.

961. You, being so much interested in the matter, would you not have known whether the first step in an application to the Commissioners, namely, a public notice being affixed to the church door, had been fulfilled or not?—I have never myself heard that point noticed, or talked of. If I had known that you wished for that evidence I should have come prepared with it.

962. Mr. *Johnston.*] I imagine this to be a somewhat parallel case to the inclosure at Walton and Weybridge, which has been already before the Committee; have you studied that case at all?—No; Wisley would be in the same category; it is all within the same district within a few miles.

963. It is part of an old inclosure, of which a certain portion was set apart for the use of the poor?—Yes; 303 acres were left out of the 1,300, the other portion being inclosed.

964. Are you aware that a similar reserve for the poor was made in the case of the Walton and Weybridge Inclosure?—No.

965. Do you know the open pieces of ground near Weybridge Station, and also near Walton Station?—Yes, from going down the line.

966. Are you not aware that in those cases they are vested in trustees for the poor?—I am not.

967. Are there no such trustees in this case?—I am not able to answer that question; I should think not.

968. You say that many of the cottages to which the rights were assigned have been pulled down; I presume that there is still a poor population whom you would consider the equitable successors of those persons to whom those rights were assigned?—I quite concur in that. What I maintained was, that they were not in the hands of those persons; and that instead of being in the hands of the tenants of these cottages of 6*l.* or 10*l.*, they are now in the hands of an entirely different class of persons, numbering about 43; and the persons are now wishing to inclose, because the land has become more valuable; the land near me is worth about 500*l.* an acre. Mr. Powlett Scrope, I believe, bought some lately at 500*l.* an acre, adjoining his residence.

969. I believe that these 132 cottagers to whom these rights were originally assigned, really represented all the poor inhabitants of Fairmile?—The Act is dated in 1793; and I could not state, even by imagination, what Cobham was then.

970. Do you not imagine that the intention of Parliament in passing that Act was to reserve those rights in perpetuity for the use, under certain restrictions, of the poor of that manor?—Undoubtedly; and for the poor only. That is, in one word, why I am here before the Committee to-day.

971. With regard to the position of the common, do not you know of any iron posts in that neighbourhood which define the limit of the metropolitan police district?—No, I am afraid not; I have never seen one myself. There are, of course, the mile-stones along the road; it is the high road to Portsmouth.

972. Has not a branch railroad to Cobham been talked of for many years, and, in your opinion, will it not sooner or later be made?—There was a meeting once held, and on behalf of gentlemen opposed to the railway I attended the meeting, and opposed the bringing of a railway there to the utmost of my ability; and that opposition appears to have been successful, as I have heard no further talk of bringing a railroad there.

973. Mr. *Reed.*] Has not land been inclosed under the Act of 1793?—Yes; 1,000 acres were inclosed, and it is to protect the 303 acres that I am here to give evidence to-day.

974. Do you consider that land to be within the jurisdiction of the Inclosure Commissioners?—I do not think that the Inclosure Commissioners could now inclose this land without a special Act of Parliament. In saying that, I speak as a lawyer.

975. Colonel *Barttelot.*] In what position are these 43 persons who now claim the rights?—I shall be very happy to answer the question, and to go through the list, which I have here. The number of owners of the cottages having rights, is about 43 persons, who are chiefly farmers to small holders.

976. When the 132 poor people who were originally to be benefited received their rights, I suppose that they were each living in a different cottage?—I think that that must be so by the Act which the Chairman has read.

977. It was the occupancy of a cottage which gave the rights?—Yes, solely.

978. Do you suppose that at that time these poor people owned those cottages?—No; clearly none of them did so, but it was the right of the occupier, and the Act distinctly shows that it could never have been the possessors who were intended, because the words "tenant" or "occupier" is put in.

979. Have a great number of these cottages been pulled down?—I have a letter from the largest and the richest person about there on the subject.

980. Is it within your knowledge that there are 132 cottages there now, or not?—No, some are pulled down.

981. Then of course the rights of the cottages which have been pulled down have lapsed?—No, they have not lapsed; they have come into the possession of wealthy persons. I can give you the class of persons.

982. There must have been some particular description in that Act of Parliament which gave the right to certain people?—Yes.

983. Do these cottages still exercise that right, or not?—If they are pulled down, I maintain that the whole Act of Parliament and its designs are frustrated.

984. You have stated that, originally, these cottages did not belong to the poor people?—It would be impossible to say whether any of them were the possessors of their own houses, as well as being the occupiers of them, or not. The Act of Parliament, which has been read by the Chairman, would seem rather to show that they were only the poorest of the poor, paying a rent of 6*l.* or 10*l.* Further than that, rights were given of fuel and feeding over the common, and rights which were intended, not for the enjoyment of any rich gentlemen, but for the poor.

985. It must have been one of two classes of rights,

rights, either that the person owning the house could put in a tenant who could exercise the right, or it must have been for a certain number of poor people living in the district. As far as I understand, it is only for the people living in those cottages, according to your showing?—It is not my showing, but it is the Act of Parliament which shows the class of persons exercising those rights; it speaks of the rental as authorising a particular class of persons, and it shows the object of the rights.

986. Of course, if the number of these houses have decreased, and if the rights have passed into fewer hands, those people who now own the rights have the right, have they not; is it not in their hands?—I do not think so at all; I cannot see that; that is not the inference which I should wish the Committee for one moment to deduce from my evidence.

987. Somebody must have the rights?—Yes.

988. And you have shown us that these rights have diminished in number from 132 to 43?—Forty-three has been mentioned, as possessing the cottages with the rights. I say that the persons who now possess these rights do not at all represent the class for whom Parliament intended to legislate, and did legislate, for their benefit.

989. Do these people exercise the rights themselves, that is to say, does Mr. Combe himself turn out any animals upon this common, or do the poor people, who are tenants under him, turn out any animals upon the common?—Mr. Combe would have no right to turn out any animals upon the common; the tenants of the cottages only have the right; but Mr. Combe could not turn out any animal unless he occupied one of these cottages.

990. Then it amounts to this, that the poor in that neighbourhood have diminished, from 132 occupiers of houses, to 43, who now beneficially exercise the rights under the Act of 1793?—The poor people occupying these cottages must be less in number than they were, because some of the cottages have been pulled down; but the Committee can have the exact evidence as to the number pulled down, and the exact number of cottages now occupied.

991. Mr. *Winn.*] I understand you to mean that there may be now more than 43 cottagers occupying at a less rent than 6*l.*, and that you consider that this common ought to belong to them?—Yes; that it is the poor who have the right, and they only.

992. And that this right does not attach to particular cottages unless they are below 6*l.* rental?—£. 6 and 10*l.*

993. Therefore, if you had a cottage which, some years ago, was rented at 5*l.*, it, as I understand you, would have a right on this common?—Yes.

994. But if you increased the rent above 10*l.*, it would not be so?—I should say that, if the rent was over 6*l.* or 10*l.*, the party would lose that right.

995. Mr. *Bonham-Carter.*] The Act specifically says that it is 6*l.* at the time of the passing of the Act?—Yes.

996. Mr. *Winn.*] Then, according to that, if the rent was afterwards increased, the right would still belong to that particular house?—Yes. If you look at a cottage now of 6*l.* or 10*l.* annual value, you would certainly be asked, at the least, 100*l.* in addition for this right on the common since attempts have been made to inclose it.

997. If one of these cottages was pulled down, do you contend that the right to occupy the common would cease?—Yes, as far as the cottage was concerned, and then it would be doubtful whether the right would lapse into the hands of the landowner. I submit that, by the attempted inclosure, and allowing that to be done, the Act of Parliament is frustrated, it never having intended that that right should lapse to the landowner. The intention was to keep these 303 acres for the poor and their successors; in fact, I maintain that, without a special Act of Parliament, it would be an absolute robbery of the poor to inclose that common, and I am sure that it is a step which should never be taken until Parliament says that it is lawful and just.

998. To what extent have the public used this common?—By walking over it. It is one of the most picturesque places in Surrey.

999. Do the poor use it, or is it the better class of people who use it?—There are certain paths across it for the poor to use in going to their work; there are footpaths and rights of way.

1000. Have the London poor used it at all?—I should think not, to any extent, because of the distance from London. It is 16 miles from London. We want to bring it within Mr. Chambers' Bill.

1001. *Chairman.*] Has your attention been called to a clause in the Act of 1793, which states that the allotment given to the lord shall be "in lieu of all claims, right, title, or interest of the said Thomas Page as lord of the said manor of Gobham, and of his heirs or assigns, of, in, or to the soil of the said commons, heaths, and marsh and waste lands;" and has your attention been called to a subsequent clause which saves all the other rights of the lord?—No; I must confess that I have not looked into the law, nor have I read it.

1002. If all the other rights of the lord are saved in a subsequent clause, it is very possible that the lord may consider his right of veto as one of those rights and privileges?—Yes, I believe that the lord of the manor still considers that his interest has not been paid out, and that is another reason why he has refused to inclose.

1003. Mr. *Bonham-Carter.*] Supposing that this were a common which could be inclosed under the Act of 1845, would not the rights of way which you have mentioned as being valuable, and which ought to be saved, be saved under the practice of that Act?—The right of way, I think, would be protected, because I have been engaged as counsel in a case in which an attempt has been made to inclose a portion of a common at Chobham; in that case there was a right of way, and then it was a question of law as to whether a certain grant of land having been made, and cottages having been placed upon it, the cottages had been legally placed there or not; and, subject to an application for a new trial, the right of way has been established.

1004. You have mentioned that one of the objects which those persons who did not desire inclosure had in view, was the saving of right of way?—No, I think that you must have misunderstood me there. The rights of the poor in that respect across the common are a bagatelle. I was only saying that the common could be used

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by them for walking, in getting to their homes or returning from their work, and for recreation.

1005. Have you been giving your advice professionally in this matter?—No.

1006. It has been as *amicus curiæ*?—Yes; I have only done so as a matter of neighbourly feeling.

1007. Being a barrister, have you at all advised your neighbours as to the person or corporation in whom the fee is vested?—No; that question will come out in the law courts. I, being a professional man, they have naturally placed sufficient confidence in me to speak to me, and ask an opinion.

1008. Have you an opinion as to the party in whom the fee is vested?—I have not at present.

1009. You have not given any opinion upon that point?—No, I have never been called upon to do so. I think that the Act of Parliament will explain the difference between 6 *l.* and 10 *l.* I can give evidence as to the feeling which exists at Chobham, which is a few miles distant, and which would be within Mr. Chambers' Bill, namely, 25 miles; there is a very strong feeling in favour of keeping that common open.

1010. *Chairman.*] Do you represent any persons in that neighbourhood?—No; but having been concerned as counsel, I know the strong feeling which exists in that neighbourhood.

1011. Mr. *Cowper.*] Is it in contemplation to make an inclosure of Chobham?—I think not; but the case has arisen in this way: the lord of the manor, with the consent of the homage, has been making a certain grant, say of two acres of land, and I have got some idea of the feeling of the people from being engaged as counsel, not exactly to oppose the grant, but to maintain that there was a right of way across a certain proportion of these two acres of land which were inclosed; and, so far as the judgment of the court goes, I succeeded in establishing that there was a right of way, and, therefore, the law has been placed in force, and those cottages may have to come down.

1012. Was there any opposition made to the right claimed by the lord of the manor with the homage to inclose?—It is a question which is still to be disputed, and a new trial is to be asked for, on the ground that the proceedings of the lord of the manor, with the consent of the homage, and without a special Act, is not sufficient.

1013. The intervention of the Inclosure Commissioners has not been called for in the case of Chobham?—I think not.

Mr. James Bell, called in; and Examined.

Mr. *J. Bell.*

1014. *Chairman.*] Have you a statement to make with regard to the inclosure of Cobham Commons?—Yes; about six years ago I presented a memorial to the Inclosure Commissioners, of which this is a copy (*producing the same*), as required by the Inclosure Act of 1845.

1015. That was the first step towards the inclosure of the commons?—Yes.

1016. This memorial is signed by persons having 96 shares or rights on the commons?—Yes, out of 132; and since that time nearly 20 more have come in.

1017. So that as far as this memorial represents certain rights upon the commons, a large majority desire the inclosure?—Yes, a very large majority; only three people, I believe, oppose it, namely, the Countess of Ellesmere, her tenant, and Lady Moore, and the lord of the manor opposes it.

1018. What is the extent of the rights of the lord of the manor?—Fourteen cottages belong to him, having rights attached, but we say that he has no rights beyond what he has by virtue of these cottages. I will put in the award. We call them all Cobham Commons, but Fairmile is one of them.

1019. I see that in this statement you say that the common is about 19 miles from London?—It is 20 miles from London Bridge to Cobham; that is the known distance.

1020. Is the land now made use of in any way?—It is now utterly useless, except a small common of about 20 acres, which is a recreation ground, and which we should not wish in any way to disturb; the other is up to the knees in gorse and ling; and if there were 132 cottages there, with cottagers to occupy them, they could not make any use of these commons at all.

1021. Could not they clear away the ling and heather?—They could clear it away, but it would grow again. There is a dispute amongst the parties. So large a proportion want the land to be inclosed, that if the other portion wanted to make any use of this land, I expect that they would try to prevent it.

1022. That is with respect to those persons who have rights of common?—Yes.

1023. Is there a large population there of those who have not rights of common?—I should think that the population, except as to the gentry, is about the same now as it was at the time of the passing of the Inclosure Act. There are a great number of gentry who have built houses adjoining this common, and the whole opposition which I have ever heard of, proceeds from them.

1024. Are there any labouring poor in the neighbourhood of the common?—There are the average number of labouring poor, but not above the average.

1025. Are the labouring poor in the habit of walking much over the common?—I have ridden over that common for nearly 20 years continually, and I have never seen anyone on the common, except a gentleman riding across or hunting; there are only a few tracks across the common; I have ridden across this common, and I have shot across it.

1026. I suppose that one of the objects of inclosing this common would be to build upon it?—A part of it is very valuable building land, and which is sold at the rate of 500 *l.* an acre.

1027. Therefore, it would be a very great advantage to those who have rights of common that it should be inclosed?—Yes.

1028. But the public having no rights of common, would not participate in that advantage?—I have never seen a single picnic party, or anything approaching to a picnic party there. I am clerk to the magistrates of Kingston-upon-Thames, and the only way in which I have to do with the common is, that we frequently have poachers brought up before the magistrates. The commons are so extensive that they rather do a damage to the labouring poor instead of a benefit; they cannot use the commons, and by this inclosure we are quite prepared to grant a portion to the vicar

vicar and the churchwardens for poor allotments. We wish to obtain our own rights, but at the same time to promote the real benefit of the poor.

1029. Supposing that the restriction which, under the present law, might prevent your giving a very considerable recreation ground to the poor, were removed, you would give 20 acres upon the common, and, perhaps, even more?—Yes; I think that that is an absurd restriction, and that it might be very advantageously removed.

1030. Is this land which, if cultivated, could be made productive?—I should think that a great part of this land is quite as good as the land which was inclosed 70 years ago, and which is now all under cultivation, and is valuable land.

1031. Are there many cottages there now in the neighbourhood which did not exist at that time?—I scarcely recollect any.

1032. I see that in your application to the Commissioners, you state that the lord of the manor has no rights whatever, except as the owner of several houses entitled to shares. Has your attention been called to the clause at the end of the Act?—Yes; and I am advised that those rights are nothing at all. We are advised that the soil of the common is really and truly vested in these commoners. When that petition was presented, an inquiry was held; the Assistant Commissioner came down, and held an inquiry.

1033. Who was the Assistant Commissioner?—I forget.

1034. Was it Mr. Wetherell?—I think that it was. After the inquiry I heard from the solicitor to the Commissioners that as the lord of the manor objected to the inclosure, the Inclosure Commissioners could proceed no further. I have had many communications with the solicitors of the lord; at first they said that if the lord had one-sixteenth given to him he would consent. We said that the lord had already had it; but after that he refused, and said that he would consent to no terms whatever. They then said "We do not want to get into litigation; will you consent to a special case to be submitted to the court?" My clients said "Yes," and when the lord of the manor saw the special case he refused to agree to it, and of course we could not then go any further. I then took the opinion of equity counsel. The common law counsel said that the lord of the manor had no rights; and my counsel, Mr. Denman, said that we must apply for a mandamus against the Inclosure Commissioners, and I hope that we shall bring it on next November.

1035. Supposing that you were under the provisions of this Act, could not you then agree upon a scheme which would answer equally well the purposes of those interested?—I think that it is perfectly impossible, because the lord of the manor claims the right of sporting, which we are distinctly advised that he has not.

1036. If you were under this Act of 1866, do you think that you could not obtain a scheme without the consent of the lord of the manor?—We could not do so without litigation, most probably, for this reason, that he is the owner of rights. If he were only the lord of the manor I should say that we could probably do it; but he is the owner of 14 cottages of his own.

1037. Where do you find in the Act of 1866 that the consent of every person is necessary?—I do not find it; the parish of Cobham is too small, it could not bear the expense of being rated for a scheme.

1038. Then is it your opinion that the passing of the present Bill would be injurious to this common?—Yes, because there are so many poor people that they could not subscribe the necessary money to get a private Act.

1039. And you do not think that that loss would be compensated for by keeping open what you propose to inclose?—The common is of no use to them. As far as the poor go, there are very few of them who can keep a cow, and as to cutting fuel, perhaps they may cut some of the fuel, but that is very trifling; but we propose to give an allotment to the poor of a recreation ground, and by that they would be far more benefited than by the non-inclosure.

1040. If this inclosure were made, would not there be a good deal of building on that common?—I doubt it. It is understood that a part of this land should be sold to the gentry round the common so as to protect their dwelling-houses; they are the only opponents. If this inclosure were carried out we should give them sufficient land to protect their houses from buildings being placed too near them. If a railway came some of the land might be built upon.

1041. Did I not correctly understand you to say that 500 *l.* an acre had been given for building land?—Yes.

1042. Is it not possible that some of these gentlemen might sell it at that price to persons who were desirous of building?—It is possible, but there are 2,000 acres and more of Crown land adjoining this common, 800 acres of which are common, and there is an immense amount of common land there.

1043. Is it difficult to get building land there?—No, I could sell 600 or 700 acres of land for building, but there is no bid for it.

1044. Is building progressing there now?—Very slowly; it is principally large houses which are built; it is a very pretty place.

1045. Is the price which is demanded considerable?—Yes, I should ask 200 *l.* or 250 *l.* an acre. Further off the Esher Station I am asking 100 *l.* an acre; it is better land for farming, but it is not so good a situation; it is near the river. In my opinion it will not at all check building.

1046. In the number of 96 are there many poor persons?—Yes, and some of them reside actually in the cottages.

1047. They might be tempted to sell land for building at a cheaper rate?—Yes.

1048. Then there is a great probability that there might be building there?—Yes, but still there is so much land for building there, that I do not think that that would be the result.

1049. Looking forward to the increase of building round London, would there not be a large amount of building about there?—Yes, it is possible.

1050. Then would it not be desirable to have an open space as a lung?—Certainly; no one is more attached than I am to an open space, but I should sacrifice my feelings as regards a great many commons in Surrey, because there are so many of them.

1051. You think that the number of spaces which are more desirable to be kept open, are sufficient to preclude the possibility of the public suffering by this inclosure?—Yes, that is my contention. You must value the amount included

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cluded by this Bill by millions of acres, rather than by thousands. I say that if this Bill is passed there ought to be some measure to compensate the people affected by it.

1052. Are you able to state the number of acres in Surrey which would be affected by this proposed extension?—No.

1053. Is it very considerable?—Yes.

1054. Are you able to say that much of that land is of a character which is different from that of many metropolitan commons?—Little Heath would make very fair land. I have marked them in red ink. (*The Witness explained the matter to the Committee upon a map.*)

1055. You have spoken of rights which you think ought not to be affected or taken away without compensation?—Yes; I think that Parliament, having sanctioned an Act of Parliament with regard to the Cobham Commons, it is not fair to put the parties to a great expense in obtaining another Act of Parliament now to sanction another inclosure.

1056. Do you not think that the intention of that Act was to allot these 300 acres to the labouring poor?—No; if you refer to the award you will see that scarcely one of the labouring poor gets the right, and I am advised by counsel that the allotment to the owners, although for the use of the occupiers virtually, carries the ownership with it. That is a legal point with which I do not wish to trouble the Committee.

1057. I suppose that if it were 200 or 300 miles from London, you would not have very much difficulty with this inclosure?—Just so.

1058. And you have not been able to discover a reason why what is a right 300 miles from London, should be a wrong when it is only 20 miles from London?—I think that the Inclosure Act itself should be repealed, which lays down certain conditions before any exceptional legislation takes place.

1059. And, in your judgment, if the extention of this Act should prevent the inclosure of this common, there should be compensation?—Yes; I am advised by counsel that the owners of 132 cottages are the owners of this common, and that you are taking away their freehold rights.

1060. Mr. *Bonham-Carter.*] Your opinion, from a knowledge of the circumstances, is, that this property is now vested in 43 persons?—I do not think that there are above 30 or 35 persons; I cannot exactly say how many; I have a list here, which I believe to be correct, by which it appears that there are 30. I should say that there are not more than 37 rights.

1061. Your opinion is that these persons are practically the joint owners of that property?—We admit that the lord is the bare trustee; that is to say, that the soil is vested in him as a bare trustee, but that the court will direct him, as such bare trustee, for the commoners to convey the soil to them; that is the position which we take.

1062. How do you proceed in the case of trespass?—It is impossible to proceed. If the 132 persons, or 50 or 60 of them choose to proceed, I do not see who is to bring an action against them; I only see endless litigation.

1063. Supposing that these 30 persons were to agree, what right would be invaded by their proceeding?—It is impossible to say that. The Act itself is very confused and uncertain, and it is only for a court of law to say how those rights can be exercised.

1064. Your belief is, that there is at present a very great latent value which the inclosure under the Act of 1845 would develope?—Exactly so, and it would be for the benefit of all parties, rich and poor, that the land should be inclosed.

1065. Do you not think that the persons who have built residences in that neighbourhood have built in ignorance of the law, on the assumption that these commons could not be inclosed?—I cannot, of course, answer that question; but we are prepared, in case of this inclosure taking place, to take care to add such a portion of land as shall free their residences from any damage.

1066. Have you been connected with other inclosures?—Not directly.

1067. Are you aware that, in practice, instructions are given to the valuer at the first meeting?—We should give those instructions to the valuer.

1068. And those instructions, as a rule, protect what are called frontage interests?—Yes; that is what we intend fully to give.

1069. Have you any reason to suppose that, if this were held to be an inclosure under the Act of 1845, those frontage interests would be injured?—Certainly not.

1070. If gentlemen came into that country who were not fully aware of the operation of the Act of 1845, and built in the neighbourhood of commons, they might be disappointed if the commons were inclosed, but they would have no legal right to complain?—Just so. Most of the buildings were not erected before I took these proceedings. Mr. Austin's house, and one or two others, were built before that time.

1071. You have incidentally given an opinion that the inclosure of a great portion for recreation ground is unnecessary?—I think so.

1072. But you would not object to a large portion of recreation ground being set out by the Commissioners, if all the parties consented?—Yes; I think that it ought to be left exclusively to the Inclosure Commissioners.

1073. Your opinion is that, if property of this nature is exceedingly trifling in value in its present state, its inclosure is a matter of public policy, and should not be restrained?—Yes; it adds to the wealth of the State.

1074. Have you any idea of the value of the commons in question now, as compared with what it would be if they were inclosed?—I should value these commons of 300 acres at 30,000*l.*

1075. What do you consider that the rights, which could be valued in money, now actually in use, would be estimated to produce?—If the parties sold their rights, I think that they would ask about 100*l.* a piece for them.

1076. What is the value of the actual user at the present moment?—I would not give 6*d.* for it; I understand that only one person uses the common, and that is the tenant of Lady Ellesmere; if the common were inclosed, it would, of course, be more valuable.

1077. Mr. *Johnston.*] Have you studied the case of the Walton and Weybridge Commons, and Byfleet Inclosure?—I have been a little mixed up with the Walton Inclosure; in that case there is an allotment to certain trustees for the poor, and I believe that it is a very beneficial thing; the case of Walton is different from that of Cobham; if instead of allotting these 300 acres in the way in which I have mentioned, they had been allotted to the occupiers, it would have been different, and

and there would have been an end of the inclosure.

1078. Do you not imagine that the intention of Parliament is the same in both cases, namely, that there should be a perpetual provision for the exercise of the rights of the poor in that neighbourhood?—You must look at the different dates; I suppose that then, instead of 500*l.* an acre, you could buy the land at 5*l.* an acre.

1079. Do not you suppose that the intention of Parliament was the same in both cases, namely, that this should be a perpetual provision for the benefit of the poor in the cutting of turf and fuel?—I can only look at the Act of Parliament, and I say that it gives the land to the owners and not to the occupiers; I cannot tell what the intention of Parliament might have been; I can only construe the Act as it exists.

1080. Am I to understand you to say, that you think that the labouring population is not increased?—I would rather not answer the question; other witnesses are beter informed.

1081. Has not an increase of the resident gentry almost invariably increased the number of labourers?—Knowing Cobham well, I may say that I do not recollect any new cottages there, which seem to bear the impress of having been erected in the last 10 or 15 years.

1082. Do you propose to set out allotments for the labouring poor in one place, or in all the six places?—In my opinion, in order to meet the demand of the localities and the cottages, there ought to be an allotment in each place, according to the number of the cottages round.

1083. You say that the lord claims the right of sporting?—I believe that he does; there is no game there.

1084. As far as you are aware, his keepers do not warn persons off?—There are no keepers that I am aware of; he claims the right of sporting, I know.

1085. You are aware that the Act of 1866, which is proposed to be affected by this Bill, provides that a scheme may be made?—Yes; but this is too poor a place for a scheme; the common is too poor, and no scheme could be carried out; the funds could not be raised.

1086. Colonel *Barttelot.*] Originally, I think, there were 1,300 acres of common?—Yes; the Act of Parliament states it.

1087. Do you know whether it was all in one manor?—Yes, it was.

1088. Was the present lord, or his ancestors, the owners of the manor?—They were.

1089. And the whole of these six commons, although scattered, were in that manor?—Yes.

1090. Are there any other commons in the manor?—I think not; in fact, I feel sure that there are not any other commons in Cobham, except those as to which Mr. Mount would be the lord of the manor.

1091. You have lived in that neighbourhood for some considerable time?—For about 20 years.

1092. Is it, or is it not, the practice of the people from London to come down there in large numbers?—I do not believe that 10 people know the place; it is quite out of the way; it is four and a half miles from Esher station, and it is quite out of the way for any recreation parties; I never saw a picnic party there in my life.

1093. And the 20 acres which you would propose to reserve as a recreation ground, would be amply sufficient for that district?—I leave it entirely to the Inclosure Commissioners.

1094. But so far as you, as an inhabitant of that district are concerned, you would think that the 20 acres is a sufficient recreation ground?—Yes, and more than ample.

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1095. I have understood you to say that there should be allotments for the labouring poor in each of these six commons?—Yes.

1096. You were asked whether the labouring poor had increased or not, in that district, on account of the residential proprietors; do they employ much labour; do they farm at all?—Almost all of them are town gentlemen.

1097. What is the average amount of ground which is attached to each of those houses?—About two acres.

1098. Then they would not require much increase of labour?—No.

1099. What is the population of that parish according to the last census?—About 2,000 inhabitants.

1100. Do you know what it was in 1851?—I cannot tell.

1101. Has it increased?—I cannot say.

1102. I suppose it has increased as regards the higher class of persons?—Yes, decidedly.

1103. Has it increased or decreased with regard to the labouring poor?—I cannot say.

1104. Do you pay any attention to that subject as clerk to the magistrates?—Yes; as far as the rateable value of Cobham goes, it has a good deal increased.

1105. Is it within your knowledge that the rateable value of that land, irrespectively of the people who have come down from London, has increased or decreased?—I cannot say.

1106. You know those commons?—Yes.

1107. Are they frequented by people coming down from London?—I never saw any London picnic parties on them; I have seen people going about with dogs, and that is all that I have seen on these commons.

1108. Supposing that Parliament thought fit to pass such an Act as that now before us, do you think that those commons would be frequented by persons from London?—I do not think that any person would come upon them; the hardworking artisans of London, who ought to be protected, all go to Richmond Park, and Hampton Court, and those places which are much nearer London; I think you would do a great deal more good by inclosing these commons, and giving employment to the poor of the locality.

1109. Supposing that the commons were not inclosed, would it not inflict a great deal of injury upon the persons having rights on these commons?—Certainly it would.

1110. Could these rights be in any way compensated, the commons being left uninclosed?—It would be a very difficult matter to manage, they might be compensated, but it is a question I have never studied, as to how it would be possible to compensate them; you could only value the land as freehold land inclosed, and then of course the loss would be very considerable if the parties did not get their right.

1111. As I understand you, many people are both owners and occupiers?—A few are so; I will not say many.

1112. Supposing that the common could not be inclosed, it would be depriving the party, at any rate, of a very considerable right which he now possesses?—I have no doubt that it would

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be depriving him of a right which some would not sell for 200 *l.*

1113. Have you ever considered the Act as it now stands?—I have considered it slightly.

1114. Do you know the commons which are now situated within that area?—I know most of them.

1115. Are those commons very much frequented by people from London?—I have never seen a single London van, or a pleasure van, from the neighbourhood, on any of these commons.

1116. Those commons which are at present within the area in Surrey, are very considerable, indeed, are they not?—They are very large, indeed.

1117. Mr. *Winn.*] I think that this allotment of 300 acres was left to the poor to cut turf, was it not?—Turf and fuel; cutting turf and heather for fuel in equal proportions, according to the number of houses.

1118. If you left them only 20 acres, how would you propose to compensate them?—I should propose to give to the churchwardens and overseers, or trustees, by name, or the county magistrates, a certain amount of land in fee, so that a quarter of an acre, or half an acre, might be reserved to the poor for cultivation; the cutting of turf is actually useless to them.

1119. Mr. *Cowper.*] Do you mean to say that, as a matter of fact, nobody cuts turf for fuel?—I do not mean to say that; I have ridden across the commons, and I have found that the height of the ling is very great; it does not seem to have been cut in Fair Mile; it may have been burnt.

1120. In fact, you know nothing more upon the subject than you could discover by the operation of riding across the commons?—Just so.

1121. Are we, or not, to understand that you know personally that that right of turbary is not of value to those who are entitled to it?—I would rather not state anything definite upon that point, because I have not sufficient information upon it.

1122. You have mentioned that the common is covered with gorse, do you mean the Committee to understand that there is no ground for pasture left on account of the gorse, or only that it is covered to a great extent with gorse?—On Fair Mile Common there is scarcely a bare place, I have never seen a cow there; I may have seen a gipsy's horse there.

1123. Are there a great many tracks by which you walk through the gorse in many directions?—No, there are not many; of course it is an understood thing, that if this inclosure took place, the tracks would be preserved by the Inclosure Commissioners.

1124. Do you mean that the gorse grows in such a close and tangled way, that people cannot walk across the common in all directions?—I once walked across that common for shooting, and I made a vow that I would never do so again; it was a most tangled place, and with ups and downs, and pit-falls.

1125. Did all this trouble which you took lead to your getting a shot?—No.

1126. Supposing that you had not been moved by that ardent desire for sporting, and had been simply desirous of taking the easiest paths, do you think that then the gorse would have prevented your going in a great many directions?—I certainly should have kept to the beaten path, which we of course wish to preserve.

1127. What extent of the common was the subject of that memorial; was it the 300 acres?—Yes; the subject of this memorial was 150 acres of Fair Mile, 70 acres of Chatley Heath, 20 acres of Poynter's Green and Downside Common, 20 acres of Little Heath, 20 acres of Old Common, and 20 acres of the Tilt, Leigh Hill, and Brook Hill; making together 300 acres.

1128. Some of those heaths being at a considerable distance from the others?—They were all scattered about to meet the wants of the cottages at the time.

1129. How many persons signed that memorial?—In this memorial there are the owners of 96 rights; but the owners of 15 or 16 additional rights have since instructed me, and I consider that I represent about 114 rights out of 132.

1130. Can you state how many persons possess those 114 rights?—I think about 30.

1131. I suppose that when this Act was passed the 132 rights were assigned to 132 cottages?—I have the award here; all these allotments are made to owners virtually; one owner gets eight rights; another has four houses; another two houses, and so on; and there is one case in which an owner has 11.

1132. There were 132 cottages at the time?—Yes; but I should think that the number of owners was about the same as it is now; perhaps there might have been 50 instead of 35.

1133. Do you think that the 132 cottages are still standing?—No; many of them I know have been pulled down.

1134. Can you give any information as to the number which have been removed?—I cannot; that will, of course, have to be thoroughly gone into, if there is an inclosure.

1135. From your experience in the offices which you have filled, do you think that there are cottages in the parish which pay less rent than 6 *l.* a year?—That question I could not answer, because I did not look at the rate-books beforehand; but I should think that the value of a good many cottages would be about 4 *l.*, or 5 *l.*, or 6 *l.* a year.

1136. What is the distance between Fair Mile Heath and the town of Cobham?—I should think that it is as nearly three-quarters of a mile as possible; there are two Cobhams, namely, Cobham Street and Church Cobham; Fair Mile Heath is about half a mile from Cobham Street, and three-quarters of a mile from Church Cobham.

1137. *Chairman.*] Have you had any experience of the working of the Act of 1866?—I have not.

1138. Then your objection to its extension is merely that you are satisfied that the provisions of the general Inclosure Act are applicable and suited to your particular common?—Yes; and that it would be a great expense to us to apply for a special Act of Parliament.

1139. Mr. *Bonham-Carter.*] You stated that it was your intention to set out a certain portion of the land for the benefit of the poor inhabitants?—The owners of rights would no doubt be glad to do that.

1140. Is there any difficulty in making a scheme to do that under the Act of 1845?—I have not gone into that question. I have never studied the question of a scheme.

1141. Are you aware that the instructions to the valuer may include that very provision?—I have read the Act, but I forget that clause.

1142. Is

1142. Is it proposed that the cost of the inclosure should be defrayed by a rate, or by the sale of allotments?—There has been no definite proposition, but what conversation has taken place would tend to show that it would be by the sale of a certain portion of the common before or after the allotments were made, reserved for the especial purpose.

1143. Those allotments which were sold would have a Parliamentary title? — Yes, under the Inclosure Act.

1144. You said that there were certain owners and occupiers of cottages which had rights under the original Act, and I think you said that if you deprived these small men of the right of inclosure, you would probably deprive them of something of the value to them of about 200*l.*? —Yes. Mr. *J. Bell.* 12 July 1869.

1145. And that they would object to that being done for the purpose of strangers?—Decidedly.

Mr. WILLIAM WORSFOLD, called in; and Examined.

1146. *Chairman.*] WHAT are you?—A farmer.

1147. You live in the neighbourhood of this common?—Yes, at Cobham.

1148. Are you possessed of rights?—Yes.

1149. Of how many rights?—A dozen.

1150. Did you sign the memorial which was presented to the Inclosure Commissioners?—Yes.

1151. And are you anxious for this inclosure?—Yes.

1152. With regard to the labouring population existing on or near the common, has that population increased or decreased within your knowledge?—It has rather increased. I have been in Cobham all my life.

1153. Have the number of cottages increased?—No, we are very badly off for cottages.

1154. You require more cottages to be built for the labouring population?—Yes; if I have one to let I have 20 applications for it.

1155. Are those houses in the town of Cobham?—Yes, some are in the village; the parish is 4,000 acres.

1156. Are the occupiers at some distance there from their labour?—Some of them; it entirely depends upon circumstances; some are on the farms; there is no general rule about it.

1157. Do you know how many cottages have been pulled down since the passing of the Act of 1793?—Not a vast number have been pulled down; I should imagine not probably more than 20 in the parish.

1158. Are those 20 to be deducted from the 132 cottages?—Yes.

1159. But still you say that there would be no difficulty in finding occupants for the cottages?—Not the least.

1160. If that be the case, I suppose that it would be rather desirable that the occupants of those cottages should have some garden grounds, or allotments?—It would.

1161. With regard to the proposal to inclose this common, are the promoters of the inclosure ready to provide such allotments?—Yes, where they are near to the cottages; some portions of the common are so distant and poor that they would not be available.

1162. Is the land around in the hands of large landowners?—Yes, generally.

1163. And are the farms in that neighbourhood large?—Yes; there are some large farms; there are about half a dozen in the parish.

1164. And there are not cottages upon the farms?—Not sufficient.

1165. Supposing that the landowners and the farmers should become awake to the fact that it is very desirable to bring the labourer as close to his labour as possible, there would be a considerable increase in cottage building?—Yes. Mr. *W. Worsfold.*

1166. Would the cottagers who came into the neighbourhood in consequence of the inclosure of this common cause the loss of any right to the others?—I do not think that people coming into the neighbourhood would affect them at all. I look upon the common as being perfectly valueless to the parties mentioned in this Act; the right is for the purpose of fuel, which they never use. I do not think that one man who lives in a cottage now burns a piece of this turf, or cuts turf for fuel. I am well acquainted with their habits. We have a coal club in the neighbourhood, and coal can be bought much cheaper than it could be purchased at the passing of this Act.

1167-8. Do you agree generally in the estimate of the value of the common which was given by the last witness?—It is, no doubt, very valuable for building purposes.

1169. But it is valueless now?—Yes; to those who have the rights. If I bought a cottage worth 1*s.* a week, I should charge the man who went in 1*s.* I should not think that a house was worth any more money for having the right than one which had not it.

1170. Does your experience tally with the experience of the last witness, that no persons come down to that common?—I have known it for 45 years, and I never know one party come there. When I was quite a youngster I went to school across the common, and I have known it almost ever since.

1171. Is there any prospect of the common being cleared of its heath and ling, unless, by this inclosure, persons have an inducement to clear the heath and ling?—I think that there is none.

1172. Is there any game there for sporting?—No; there are too many poachers there; there are gipsies and tramps there.

1173. Is one reason of your desiring to make the inclosure to prevent this common being the resort of tramps and disorderly characters?—Yes, but not entirely.

1174. How much of this common do you think you would get by this inclosure?—I have about four rights, but my family relations have rights as well.

1175. How should you employ the land which you would acquire by that right?—I suppose that it would depend upon what portion was allotted to me.

1176. Supposing that you had 5, 10, or 15 acres, how could you turn it to advantage?—I should sell it for building.

1177. I suppose that that would be the general

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wish of the people who got their rights under the inclosure?—Some might wish to have a little bit of land to build upon themselves. I know that they are all anxious to have a piece of land.

1178. And which they would, no doubt, be anxious to dispose of for building?—Yes, many would do so.

1179. And then there would be a considerable increase of building?—Yes; I have no doubt of it, provided that the land was all allotted out to them. Some people suggest that the land should be put up and sold. Of course in that case it would depend upon the hands into which it fell; probably the whole lot might be disposed of without that power.

1180. It, no doubt, would add to the population of the neighbourhood?—No doubt of it.

1181. And you think that the open commons would afford a considerable amount of space so as to make the new buildings healthy?—Yes; there are much more attractive spots than this common.

1182. Are there not woods in the neighbourhood?—Yes, very pretty woods.

1183. And which afford a much more convenient and pleasurable place for picnicing?—Yes.

1184. Have you heard any complaints on the part of the poor of the neighbourhood with regard to that inclosure?—I rather think that they are in favour of it.

1185. Were you present at the meeting which was held by the Assistant Commissioner?—Yes.

1186. Was it very numerously attended?—Yes.

1187. At what time in the day was it held?—In the middle of the day.

1188. How many people were present?—I think from about 30 to 50.

1189. Was any objection then expressed to the inclosure?—Only by one person, namely, by Mr. Price, who has a house on the borders of the common.

1190. What was his objection?—I imagine that he thought that something objectionable might be brought to it.

1191. There was no objection on the part of the poor people?—No.

1192. Was the clergyman present?—No.

1193. How does he feel with regard to the inclosure?—He is in favour of it.

1194. Then, you and your co-holders of rights would be very vexed if, having taken the steps with regard to this inclosure which are authorised by law, you found that you were now taken out of the Inclosure Act, and were put under the provisions of the Metropolitan Commons Act?—Yes.

1195. Mr. *Johnston.*] You are possessed of these rights as owner?—Yes; as owner of the cottages.

1196. Colonel *Barttelot.*] How much land do you farm?—About 200 acres.

1197. Are the farms there large, or small?—They vary from 100 to 400 acres.

1198. On the average, how many men do you think that it takes to cultivate 100 acres?—Four or five; that is to say, constant men.

1199. What is the rate of wages now?—About 15 *s.* regular wages at this time of the year.

1200. And you pay extra at hay time and harvest?—Yes.

1201. Are the cottages in your district good or bad?—They are not very good.

1202. What is the rent of them in your district?—I let my cottages at 1 *s.* 6 *d.*, 2 *s.*, and 2 *s.* 6 *d.*; but they are very frequently let at 3 *s.* if there is any up-stairs to them.

1203. If any speculators built cottages there, and ran them up cheaply, they would have no difficulty in getting tenants?—No difficulty.

1204. Do you think it a good thing that a class of cottages of that sort should be built?—Not too many, but sufficient for the wants of the parish.

1205. Should you think it a good thing, in your locality, to have that class of cottages built in the expectation of getting an allotment of garden ground in the neighbourhood, they not having one?—I think that persons might speculate upon that; they must have the ground to build upon first.

1206. But up to the present time you have not had many cottages built in the neighbourhood?—Very few.

1207. In fact, you say that you want cottages?—Yes.

1208. Mr. *Winn.*] Do the rents which you get include any garden, or is it simply for the house?—My cottages have a little piece of garden.

1209. To what extent?—Enough to grow vegetables and potatoes; perhaps three rods.

1210. Supposing that these allotments were made from the common, for the use of the poor, could they be made in a position suitable for the poor?—They could not be fixed in one identical spot which would be useful for the whole parish, because it is so very wide; they must be scattered about.

1211. Do you propose that this land should be allotted for garden ground, or for recreation purposes?—Some for one, and some for the other.

1212. Mr. *Cowper.*] Did you say that there were some cottages in the parish which let for 1 *s.* 6 *d.* a week?—Yes.

1213. Are there a good many of that description?—No; that is unusually low.

1214. Are there a good many cottages in the parish which are without allotments or field gardens?—A good many.

1215. What is the distance from the railway station of the nearest point of these commons?—Esher and Fair Mile are the nearest, and they are 3½ miles.

1216. Did you mean to say that you knew of no instances of turf being cut in any of the commons, or only in one particular common?—Cobham Common; I do not believe that a piece of turf has been cut there.

1217. What is the soil of the commons; is it good for pasture?—No, it is very dry; it is a gravelly soil.

1218. Does the gorse generally grow so much as to prevent the use of the land for pasture, or is it only in particular places?—It is nearly all over it. I do not think that over the 300 acres there is a piece of grass which is worth 5 *s.*

Mr. HENRY MARSHALL, called in; and Examined.

1219. *Chairman.*] YOU are Clerk of the Peace for the county of Surrey?—I am.

1220. I think that you wish to give evidence, especially upon the subject of Wisley?—Yes; more particularly upon the evidence which has been given to this Committee. I have attended here to watch the proceedings of this Committee without any desire to oppose; but there is some evidence which I am afraid will not be understood unless it is explained. I wish, therefore, to state the custom of the manor.

1221. You do not agree with the statements which have been made respecting the rights of lords and commoners; or rather, the absence of rights, which has been stated by some witnesses?—No; and I am afraid that unless the statement is contradicted, and put right, it is liable to cause confusion hereafter.

1222. Will you state the particular points upon which you wish to give an opinion?—The facts are, that the lord of the manor, as proprietor of the soil, is entitled to the common, subject to the rights of the tenants; and if the tenants assert those rights contrary to and against the opinion of the lord, they (the tenants) must prove the rights which they possess.

1223. Are there not manorial courts held?—There are.

1224. Are not the tenants of the manor admitted by a certain form?—Yes, certain tenants; in some manors they are very limited, and the courts are held very seldom.

1225. I suppose that you hold to the old-fashioned view, which has lately been questioned, that the legal rights are exhausted between the lord and the commoners?—Yes.

1226. Have you any especial evidence to offer us, with regard to the extension of the Metropolitan Commons Act of 1866 to a larger radius?—I am prepared to answer any question which the Committee put to me upon it. I am willing to leave it to the Committee, whatever their discretion is about it, so long as there is no misunderstanding as to the facts. I was solicitor to Lord Lovelace, and I now give him advice upon occasions. The evidence which was given on Thursday last, I think, was very dubious and uncertain, and I am afraid would bear a different construction to what the Committee would wish to put upon it; and therefore I wish to show that it is not assented to by Lord Lovelace, or the other parties. I contend that the lord of the manor, being entitled to the soil of the manor, is entitled to all rights connected with it, excepting those which are enjoyed by the tenants.

1227. This Committee is sitting specially to determine whether or not the provision of the Metropolitan Commons Act of 1866 should be extended to a wider radius; will you kindly tell us whether, from the evidence which has been taken before this Committee, or from any other source of information, you have formed an opinion which is favourable or adverse to that extension?—My opinion is adverse to the extension.

1228. Does that arise from your belief that the Act works badly in the area to which it is now applicable, or is it because you think that the class of lands which would be included in a wider radius are such that the Act would not be applicable to them?—I think that the area at present is quite sufficient, and that an extension of it would have rather a bad effect than a good one.

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1229. Do you hold that opinion because you believe that the character of the lands in the wider radius is different from the character of the lands in the narrower radius, or for other reasons?—I do not give that opinion from the character of the land but from the situation of it, I think that there is no occasion for the increased extent, because for all the purposes of the existing Act there is still ample room.

1230. You do not think that the population of the metropolis is growing so fast that in a few years time the circumstances which now exist in the limited area would still exist in the same degree in the wider area?—No, I do not believe that the extension is at all called for.

1231. Have you had before you the calculations made by Mr. Scott, as to the rapid increase of the metropolis?—Yes.

1232. Do you differ from his opinion?—I do not fall in with it, I think it wild; there will no doubt be a considerable increase.

1233. You do not deny that building is extending round London?—No.

1234. Have you any special reason for believing that the population will not increase as it has increased hitherto?—I think that the population will increase, but there is room for it.

1235. Do you not think that the Legislature, supposing that it decided upon preserving the open spaces around the metropolis, as it has done, would also be wise to look forward to such an extension of the population as would make a wider extension of the area desirable?—I think that the period for that would be so remote that it had better be left alone.

1236. But when that period did arrive there would be no open spaces to preserve?—I do not think that that period will arrive, at all events in our own time.

1237. You do not think that legislation should be made for the purposes of a future generation?—Only for a necessary purpose.

1238. With regard to the character of the land at a greater distance from the metropolis, even supposing that there are certain commons which it is very desirable to preserve as open commons, do you think that the extension to 25 miles would prevent the inclosure of certain tracts of land which are suited for inclosure?—I do not think that the land, in some cases, is of that quality which would be so essential for agriculture. If the land were used, it would be simply for building.

1239. Do you think that there is difficulty now in getting land for building purposes?—No; the price of land has, of course, increased.

1240. Supposing that Parliament thought proper to include this land within the operation of the Act, is it your opinion that it would be a practical limitation of the rights of the lords and commoners within that area?—I think so.

1241. You think that the preventing a man from obtaining the enhanced value of the land which he would get by its inclosure is a practical limitation of his rights?—As I understand the question, it would be a practical limitation of his rights. I think that there is a limitation and an injury in some cases.

1242. Do you see any reason why a right which can be exercised in one manor 150 miles from

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from London should be limited in a manor within 25 miles of London?—In neither case should it be done except under public necessity.

1243. And do you think that in those cases compensation should be awarded?—I think that those who benefited by it should pay for it.

1244. Do you wish to give any local evidence?—No.

1245. Is there any other point upon which you wish to give evidence before the Committee?—No.

1246. Mr. *Cowper.*] You stated that, as agent to Lord Lovelace, you were acquainted with the customs of the manor?—Yes.

1247. Will you inform the Committee what proceedings the lord of the manor could take for inclosing this common if he had not the benefit of the operation of the Inclosure Act?—I believe that he and the tenants, who are all of one opinion, might do it of themselves without going to the Inclosure Commissioners; but that they thought it was right that they should go to the Inclosure Commissioners; all the homage were for the inclosure; it is a unanimous inclosure; in some instances it would not happen so.

1248. Has there been a meeting of the homage?—There was a general meeting called by the Commissioners of all persons having an interest in the common.

1249. By the customs of that manor, is there a court of homage?—Yes.

1250. And has there been a court of the homage?—No in no manors have I known so few courts held.

1251. Have you, by examination of the rolls, ascertained the date of the last meeting of the court of homage?—It was very remote; it was not in my time.

1252. Supposing that the court of homage could be assembled, do you think that then, by the custom of the manor, the lord of the manor, with the consent of that court, could inclose?—I think that, if all those persons who were interested as lord and tenants agreed, they could inclose.

1253. Then, are the Committee to understand that your general impression is, that the inclosure of Wisley Common can take place by other means than by the operation of the Inclosure Commissioners under the Act of 1845?—Yes; but I am not sure now that it would not be better to get it done under the Inclosure Commissioners, because some persons might have an erroneous opinion, and we might have some trouble.

1254. Supposing, as you just now said, that the lord can inclose with the consent of the commoners, do you think that he could be deprived of his inclosure in one way by the Commissioners, if he could not inclose in the other way?—I think that it would be better that he should proceed under the Inclosure Commissioners.

1255. What would be the advantage of his proceeding in that way?—I think that the people might go and knock down fences.

1256. But would not the lord of the manor have a remedy?—He would have a remedy, but not a very easy remedy.

1257. Have you any doubt that he would be successful?—None at all.

1258. Then the advantage to Lord Lovelace, by being placed under the Inclosure Act, is a matter of convenience, but not of primary importance?—It is a matter of convenience.

1259. And as the Metropolitan Commons Act does not interfere with any right which the lord of the manor and the commoners may have independently of the Inclosure Commissioners, an application of that Act to Wisley Common, would not be inflicting any injustice upon the lord of the manor and the commoners?—It would be a difficulty which could be got over, but at some expense.

1260. It strikes you that it would be rather a matter of expense than anything else?—Yes.

1261. Mr. *Bonham-Carter.*] Would not the advantage of inclosing under the Act be, to bar claims?—I do not think that in that case, there could be any claims; I quite agree that in some manors it would have the effect of barring claims more completely than by the parties inclosing by themselves.

1262. Would not the advantage of putting an end to the advancing of claims on the part of some very small rights (because you seem to have ascertained the main rights) be an advantage for which it would be worth while to go before the Inclosure Commissioners?—I think that it would be desirable, and I would recommend it.

1263. Under the Act, irrespectively of the inclosure, have not the Inclosure Commissioners the power of partition?—I do not quite understand your question.

1264. Supposing that there are four commoners who are joint owners of property, whether inclosed or common, have they not also the power of going to the Inclosure Commissioners, and asking them under their powers to make a partition between the parties?—I do not think that they would do it without the lord; you must have a certain consent.

1265. Mr. Scott, in his evidence, stated that he contended that the public have a free access at the present time to the whole of Wisley Common?—Yes.

1266. In your evidence, I think you have stated that the ownership of the common in fee, and of the common rights, is now vested in four persons?—Yes.

1267. And we have had evidence that these commons are not very greatly frequented?—Yes.

1268. Do you think that there is any justification for the statement that the public have a right to the whole of Wisley Common?—No, but quite the contrary.

1269. The same witness has stated that an action of trespass would not lie, and would not be successful?—On the contrary, I believe that it would be successful.

1270. Colonel *Barttelot.*] You know the commons of Surrey?—Yes.

1271. Are the commons which are now within the area of the Metropolitan Commons Act, much frequented by the public, or not?—No; some are frequented more than others; but I believe that, generally speaking, they are not much frequented.

1272. Taking it as a general rule, the commons are not much frequented by the London public?—Wimbledon would be much frequented.

1273. Outside the range of Wimbledon, or Hampstead Heath, are the commons much frequented or not?—I think not.

1274. Mr. *Winn.*] You say that the space which is now included within the radius of 15 miles, is amply sufficient?—I do.

1275. Do you know any open space beyond the

the radius of 15 miles, which is much frequented by the London public?—No.

1276. Do you know Epping Forest?—I do not know it intimately; I should not like to speak to it.

1277. Upon the whole, you think that a radius of 15 miles is all that is likely to be required within a reasonable time?—Yes.

1278. Should you say that, if another common, which was desirable, was discovered, it might be taken and paid for?—Yes.

1279. Mr. *Cowper.*] Have you ever known any steps taken to prevent the public from wandering over Wisley Common?—No; they have never wandered over it. At one period there was an attempt to cut turf upon the common, and a knowledge of the matter was brought to me, and I wrote to the parties, and it was stopped.

1280. As people who are not commoners do walk and ride over the common, I wish to know whether, in your recollection, any step was ever taken to warn them off, or to warn them from going upon the common?—I think not, unless in the case of game; the game has been generally let, and the keepers look out so as to prevent trespassers.

Mr. *H. Marshall.*
12 July 1869.

1281. *Chairman.*] You were asked whether you thought that it would be an injustice to deprive the lord of the manor of one particular means of inclosure. If Parliament, in its wisdom, has passed an Act, giving general facilities for inclosures to the lords of the manors and the commoners, do you not think that any individual who found himself excluded from participation in those facilities would feel himself to be under an injustice?—I think so; but whether it would be right for him to do so or not, I cannot say.

1282. Mr. *Cowper.*] Assuming that the facilities of the Inclosure Act were given for public objects, would there be any objection if those facilities were taken away for equally good public objects?—I think not; if the public objects were good, there would probably be no objection.

Mr. Samuel Smith, called in; and Examined.

1283. Mr. *Johnston.*] You desire, I believe, to apply the Act of 1866 to Stoke Newington Green?—Yes; we think that the Amendment Bill which is proposed would do so.

1284. What now prevents your doing so?—We have the idea that it is not a common; it might, perhaps, be described as a village green. As far as we know, no one but the inhabitants who exercise the *quasi* right of cutting verdure has any rights over this green.

1285. How large is the green?—One and three quarter acres; it is an ordinary square surrounded by houses.

1286. What words would you suggest to be added to the interpretation of the word "commoner" in order to give effect to your wish?—I would suggest, with great diffidence, that the following words should be added to the interpretation of the term "commoner" in the clause in the Act, namely, "an owner in fee, or for a term of not less than 21 years from its original creation of any land or premises abutting upon or immediately adjacent to any such open space as aforesaid." I should perhaps trouble the Committee with the ground of our requiring such an amendment. Under the Act of 1866, as applicable to commons proper, there are three authorities who may invite the action of the Inclosure Commissioners, namely, the lord of the manor, the commoners, and the local authority. Our idea is that this not being a common, probably can only be made a common by the Bill which is now under the consideration of the Committee; and there being no lord of the manor, nor any commoners, exercising any power in the ordinary sense of the word, there would only be one instead of three authorities who could invite the exercise of the authority of the Inclosure Commissioners; and inasmuch as a previous Act of Parliament enacted that any one of those three authorities might invite the action of the Inclosure Commissioners, we think that we should be put into the position in which a commoner was, or otherwise we should be dependent upon the pleasure and the will of the local authority, who might reject the proposal for any particular reason. We should prefer being put into another position.

1287. Do you think that besides the three parties whom you have named, the owners or occupiers of property abutting upon such a green, ought to be empowered to present a scheme to the Inclosure Commissioners?—It would be rather in substitution of the power which now exists. We are without a lord of the manor, and we say that the proper parties to exercise the rights of the commoners would be the persons who are interested in the preservation of this place. I only refer to the improvement of its condition, not to the exclusion of rights.

Mr. *S. Smith.*
12 July 1869.

1288. At present the green is managed after a fashion by a committee of the neighbours?—Yes; who are enabled by hard pressure to collect 60 *l.* a year, which is absorbed by a constable and his uniform. What we want is to invoke the aid of the Inclosure Commissioners for the preparation of a scheme.

1289. In what way would a scheme enable you to preserve the green from nuisance more than at present?—Because, under the terms of the Act of 1866, we find that there are powers to do things which are approved by the Inclosure Commissioners, and, inasmuch as a scheme by the Inclosure Commissioners, when approved by Parliament, would have all the effect of an Act of Parliament, we hope that that scheme will give us power to fix a maximum rate which shall be sanctioned by the scheme. The houses are very unevenly rated, and we shall ask the Inclosure Commissioners, if the Committee permits us, to fix a maximum rate, so that, in time, some 300 *l.* or 400 *l.* or 500 *l.*, shall be raised. But at present no persons have a sufficient interest in this place to contribute 40 *l.* or 50 *l.* for the maintenance of railings. We are bare tenants and we only get enough money to preserve order. If any honourable Member will imagine Hanover-square or Grosvenor-square divested of its railings, he will readily perceive that, as the population grows around it, it requires a different mode of dealing with it.

1290. *Chairman.*] Are you now under the Act of 1866?—No; we are under nothing in the world.

1291. You are within the radius?—Yes; we are about five miles from this building.

1292. Are you aware that under the Act of

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1845 a village green cannot be inclosed?—Yes, we do not desire to inclose this ground.

1293. What you want is to have it made quite clear that the scheme proposed under the Act of 1866 is applicable to your case?—Yes; that the Act is applicable. We thought that we might be met by the Inclosure Commissioners saying that we are not within the scope of the Act.

1294. Are there any claims made with regard to rights of common?—No. I have old accounts extending back to 1807, in which we find that the whole thing has been absorbed by the inhabitants, and that they have sold the grass and have exercised the powers of watching and lighting, and so on.

1295. You are a churchwarden of Islington?—Yes; I represent the committee which manages the affairs of this green on this point, and we think that we generally know the views of the inhabitants; most of the persons elected on that committee are owners as well as occupiers, and we think that we represent the substantial opinion of the inhabitants, but no steps have been taken to poll the inhabitants.

1296. Did I rightly understand you to say that you thought that in addition to those persons who have now the power of setting the Inclosure Commissioners in action under this Act, the occupiers of adjoining property should have that power?—Yes. The only power who could set the Inclosure Commissioners in action would be reduced from three to one; namely, the Board of Works. In the case of any ordinary common, there would be three authorities, namely, the lord of the manor, the commoners, and the local authority; and we say that if this Bill were passed, it would bring under the operation of the Act of 1866, the case of an open space which this Bill would declare to be a common, but which was divested of the lord of the manor or the commoners; and, therefore, instead of having three authorities, either of whom could set the ball going, you would have only one.

1297. Is your proposal to limit the application of the Act in such a case to places where from the want of other bodies the Act is likely to fail, or would you give the initiative authority to the owners of the adjoining properties, in addition to the three bodies you have mentioned?—I have not reflected upon that point, but I think that they have a perfect right to set the Inclosure Commissioners in action, so that it may be generally an improvement.

1298. Then, you think that in the cases where the local authority, lord of the manor, and persons having rights of common agreed to it, they might be authorised to apply to the Inclosure Commissioners, or to present to them such a memorial as is contemplated under this Act, and that where they did not think it desirable to do so, the adjoining owners should still have the power of setting the Inclosure Commissioners in motion?—I think that in what we propose we are considering the rights and wishes of the parties in the immediate neighbourhood; but if the Committee thought that what we ask is too large, I would request them to limit it.

1299. You would not say that the owners of adjacent properties, who have no rights, have a greater claim than those who have rights?—I perhaps have taken a limited view; I look to Wimbledon, and perhaps the owners of those sort of places have a very different right.

1300. Lord *George Hamilton.*] Do you know any other similar cases to that of Newington-green to which you have referred?—I do not know any other place which resembles Newington-green in its character; externally Islington-green resembles it very much, but it has been ascertained that that is a part of the waste of a manor; it has been conveyed to trustees.

Thursday, 15*th July* 1869.

MEMBERS PRESENT:

Colonel Barttelot.
Mr. Bonham-Carter.
Mr. Cowper.
Lord George Hamilton.
Mr. Andrew Johnston.
Mr. Knatchbull-Hugessen.
Mr. Knight.
Mr. Frederick Stanley.
Mr. Gerard Sturt.
Mr. Rowland Winn.

THE RIGHT HONOURABLE WILLIAM FRANCIS COWPER, IN THE CHAIR.

Mr. RICHARD ELLIS, called in; and Examined.

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1301. *Chairman.*] YOU are the Vestry Clerk of Hackney?—Yes.

1302. And a resident there?—Yes.

1303. Are you prepared to give information to the Committee with regard to the open uninclosed lands in that parish?—Yes; for some years past we have had our attention called to the various open spaces which we have in the neighbourhood of Hackney, and I fancy that we have rather more than is usual round the metropolis; first of all, we have, in Hackney contiguous to the parishes of Shoreditch, Bethnal Green, and Hackney, a large open space, called the London Fields, which consists of some 27 acres; then, further on, north-eastward, we have the Downs, which, properly speaking, ought to be 50 acres; but I do not believe that they are so much now; we have then a piece called Hackney Common, which is further southward, of about seven or eight acres. Then there is Newington Common towards Stoke Newington, out northward, and there is Clapton Common, which is at Upper Clapton.

1304. Are all those commons in the parish of Hackney?—They are all in the parish of Hackney; added to all these are some very large open spaces in the Marsh consisting of about 300 acres. For some years past we have had our attention called to these commons; and, the parish wished to do something, but we find that there are certain rights attachable to them which have always prevented our doing anything at all. Previously to the year 1866, when the Metropolitan Commons Act passed, we prepared a scheme for Parliament, and gave our Notices to Parliament for dealing with the London Fields. I gave the Parliamentary Notices on behalf of the vestry, and of course it was a question, at that particular time, how we were to pay for getting possession of the the London fields, and we proposed to take one of two alternatives, either to sell the brick earth, which, it is supposed, lies very considerably under the London Fields, and to recoup the promoters of that scheme, and not to levy any expense at all upon the inhabitants; or else to sell a belt round the fields in order that we might pay for the remainder. Unfortunately, such a very great clamour was raised by the inhabitants with regard to this scheme, that we were forced to drop it; the Metropolitan Commons Act, of 1866 was then passed, and we immediately took steps as the Board of Works in the district; but under that Act, the Metropolitan Board is the local authority, and although we are the parties chiefly interested, we could not stir a step, except by pushing the Metropolitan Board forward in every instance; and we were forced to get up all the information for the Metropolitan Board which we first should have required for ourselves.

1305. To whom do you allude, under the name of, "We, who were the parties mostly interested"?—The local district board; I am also clerk to the local district board of the Hackney district; they then stirred in the matter immediately that the Metropolis Commons Act passed, and presented a Memorial to the Metropolitan Board, who are the local authority under the Act. The Metropolitan Board, after obtaining all the information which they believed to be necessary, presented a scheme to the Inclosure Commissioners, under this Act, for dealing with the London Fields and the Hackney Downs; and are of opinion, that they could not at present go further. That scheme is before the Commissioners, and we have been met with the objection that these lands are not common lands, such as were intended to be dealt with by the Act, but are what are called lammas lands; that the Act never intended to provide for such a state of things as that, and there we are stopped at the present moment.

1306. Will you state to the Committee what are the rights of common over the London Fields, and the Hackney Downs?—I take it that they are rather derived from two different sources; with regard to the London Fields, a few years ago, the London Fields belonged to five or six separate freeholders; we have never been able to see their conveyances, and therefore, until we go into their title, we cannot exactly see what their title is; but at the present moment their rights have all been bought up, and have come into the hands of one individual, namely, Mr. Corbett, who is lately deceased, and who is represented by Messrs. Frere of Lincoln's Inn-fields.

1307. Were there any rights of common belonging to the inhabitants independently of the freeholder?—The freeholder held the land from May till August, namely, for four months in the year, which was called the close time; he could shut

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shut it up, or graze on it, and do anything that he liked with it. During the other eight months, which were called the open time, by some process or other, which nobody has ever been exactly able to explain, everybody seems to have had the right to rove over the land, and to do what he likes; but a few years ago, and before my time (I have heard of it), the land used to be valuable enough for the marsh drivers to allow a cowkeeper to put on a certain number of cows during the four months, and to receive 25 *l.* or 30 *l.* a year for it.

1308. During the open time is the common now greatly frequented by people?—It is very much frequented, both during the open and during the close time; it is impossible to close it; it is impossible to say that it is worth anything for herbage, or anything at all; it is the run of the riff-raff and vagabonds at the east of London during the whole season, night and day.

1309. Games are played there?—There are the most dissolute practices imaginable; cockshies are put up, sticks are put up, and it is just like a common fair; on Sundays the scenes are something very dreadful; there are itinerant lecturers, not the ordinary itinerant respectable preachers, but people who get up discussions.

1310. Are refreshments sold there?—There are only small itinerant sellers of ginger beer, and cakes, and that sort of thing.

1311. Have the police any power of regulating the use of the ground?—Whenever there is any fair attempted there, of course the police have to give certain preliminary notices, which notices take so long a time before they can be of any avail, that the fair is held, and swept off, before the police can do anything; we have tried that; I, as a lawyer, have had my attention directed to this particular point; it is of no use bringing an action of trespass against these rascals who go on the field, and if a respectable person tried it, it would take so long a time that it would not be worth doing.

1312. Practically are many fairs held there?—No, there have not been many lately; one was held about six years ago; the police then, somehow or other, stopped it.

1313. But you say that the games which ordinarily take place rather resemble what takes place at a fair?—Yes.

1314. Colonel *Barttelot.*] Can you point out where these fields are?—(*The Witness pointed out the same.*) It is the nearest open space on that side of London to the City.

1315. *Chairman.*] When the District Board of Works were preparing to obtain a Bill relating to the London Fields, will you state the objects and views which the District Board of Works had in view?—Their great object first, was to get the fields into a better state, and to keep them for a more respectable class of society than that by which they are now used; and the second object was to make it more of a park, so as to preclude the disreputable and lower orders from using it; they always found a difficulty there; they did not intend to shut it up merely as a park, and to exclude all games, and everything of that sort, but they wanted to keep the worst portion of the lower class out of it; in a somewhat similar way to what has been done at Kennington Common.

1316. Was there any intention of excluding the public from free access to the ground?—No, it was rather intended to keep it open, except at nights; that is to say, to keep open the paths at night, but to keep the inclosure closed at night if possible.

1317. And they desired to have an authority which might set the police in motion for preserving decency and good order?—Just so.

1318. Were the freehold rights in the London Fields put at the disposal of the District Board of Works?—No; they were attempted to be sold by auction, and I was directed to attend the sale; it was thought that they could be sold for a very large amount, but the auctioneer withdrew the sale, and they were not sold at that time.

1319. Mr. *Knight.*] Did they put a reserved price?—I do not know whether they had one or not.

1320. *Chairman.*] The District Board of Works do not in any way at present represent the freehold in the soil?—No.

1321. Was it contemplated to compensate those freehold rights?—Yes, *pro tanto*, whatever they might be worth. In these fields the first question seems to be, "What are you to pay?" and I have always told our vestry, and the people there, "You will have undoubtedly something to pay; you cannot expect to get these things without paying for them;" but the question is, how much; and my idea is that you might go before a jury, and get those rights limited to a a very small value; there can be no question that there is some value.

1322. You do not mean that the jury would not be free to form their own opinion of what the value was?—I think that the jury, after hearing evidence, should form their own opinion; I do not think that because a party says, "I gave 10,000 *l.* for this," it is worth 10,000 *l.*

1323. Your advice to the vestry was that they should afford to persons claiming rights in the soil the opportunity of having those rights assessed and determined by a jury as to their present value?—Yes, because I do not think that when you get the fields you can deal with them without having closed with all those parties. A party might start up, and say, "You cannot deal with my right;" and so on; and therefore you will have to get rid of them all. I have heard it said that it would be an advisable course to take possession of these fields subject to these rights, and to let them remain as they are; I must confess that I cannot see how you could deal with the ground without compensating the rights.

1324. You consider that the right must be small, since there is now no herbage upon the ground?—Yes, it appears to me that the right is a very small and valueless right: I have heard it said that a Chancery suit has been brought, and that a large sum of money has been given for it; but it is the opinion of some that two or three good lawsuits are bought at the same time.

1325. Was it the vestry or the District Board of Works who were preparing to take steps for getting these lands enclosed?—It was the vestry, because it was a parochial matter: the Board of Works rides over the other parishes as well; the marshes are very extensive, they are some 300 acres; there is a large extent of marshes by the side of the Lee.

1326. Have you the size of the Newington and the Clapton open spaces?—Clapton Common is nine and a quarter acres, Hackney Common is 30 acres, Stoke Newington Common is five and a half

a half acres, and the Downs are supposed to be 50 acres.

1327. The object of yourself and of those whom you represent, being to arrange that the London Fields might still serve the purpose which they at present serve, but with order and regularity, and proper enforcement of decent behaviour, are you desirous that the London Fields and the Hackney Downs should be dealt with under the Metropolitan Commons Act of 1866?—Yes; the Metropolitan Board have already presented a scheme, which is based very materially upon what we have informed them, but we are stopped by the particular question to which I have alluded.

1328. Have you been stopped by the Commissioners doubting whether they had power to deal with those fields under their legislative powers?—Yes.

1329. Do you think that it would be desirable that those doubts should be cleared up, and that the Inclosure Commissioners should clearly have a power to deal with this open space?—We wish Parliament to settle the matter, as there are doubts upon it; some lawyers say that the words would carry lammas lands.

1330. Mr. *Knatchbull-Hugessen.*] If I understand you rightly, your object is not so much to get an extension of this Act, as to get such an amendment of it as shall without doubt include you within its operation?—Locally, that is the case.

1331. I am speaking of the lands upon which you are giving evidence?—Yes, as regards these particular lands; I have not turned my attention to the question which you have before you, namely, whether it is desirable to extend the area to 25 miles, or not.

1332. Are all these Lammas lands which you have mentioned in different places, subject to the same rights?—They have always been considered as subject to the rights of the marsh drivers, who have always at certain times of the year dealt with the whole of those lands; they have marked the cattle, and have taken a toll for the cattle going on. I do not know whether all the commons are exactly held under the same titles, but the practice has been to deal with them in the same way.

1333. Have you yourself known them long?—I have known them for some 20 years.

1334. Is there any lord of the manor?—Mr. Tyssen Amhurst is the lord of the manor.

1335. Has he, or have the other persons who have common rights in these lands, ever attempted to proceed under the old Inclosure Act?—I have not heard that they have; I have never known within my time of their proceeding under it.

1336. Was there anything to prevent their doing so?—Yes; I think that the ordinary rights of the public would have precluded them from dealing with the land at the open time.

1337. You think that the Inclosure Commissioners would have made an objection, if persons having rights to a certain extent in these commons had made the formal application prescribed by the Act of 1845?—I hardly think that that Act was applicable to these particular lands inclosed in that way; I think that it would not be applicable, say, in Epping Forest, and places in which they have largely inclosed the lands.

1338. Are you acquainted with the provisions of the Act of 1845?—Not sufficiently to speak to that particular point.

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1339. At all events, there has been no application, and no steps have been taken?—I think not; I have not heard of any, and I think that I should have heard of them if they had been taken.

1340. Has a scheme under the present Act been proposed by the persons having rights, or by some external authority?—There are two concurrent schemes at the present time; one was promoted by some gentlemen who got up the scheme, and the other was promoted by the authorities; both, I believe, are stopped.

1341. Are the commons now under no sort of regulation?—None at all.

1342. I suppose that if it was shown to you, that under the General Inclosure Act there were powers to deal with, and to place under proper regulation, these sort of lands, you would have no personal preference for this Bill over the General Act, so long as your object was obtained?—If we found that there was no other machinery for accomplishing the same object we should willingly avail ourselves of it.

1343. It has been proved that the Inclosure Commissioners think that under the Metropolitan Commons Act of 1866, they cannot deal with these lands; but it has not been proved that they consider that prior to the Act of 1866 they could not have dealt with them under the General Inclosure Act?—Prior to 1866 I fancy that the inclosure would have been for the benefit of individuals who inclosed; we wish to get an inclosure for the benefit of the outsiders; I may be wrong in my view, but I have always considered those Inclosure Acts to be for the benefit of the inclosers.

1344. Under the Act of 1845, would not wide powers have existed on the part of the Inclosure Commissioners to set aside ground for recreation, and to give public allotments to the poor?—Yes, if they had been able to allot the whole of it; but they would perhaps slice off portions, and allot those portions to the public in exchange for what they gave up to be inclosed for other purposes.

1345. You do not think that any legislation with regard to these commons would be satisfactory which did not in some way or other specially extinguish the rights of common, and appropriate the whole of the common to the use of the public?—I do not think that we could spare very much to be given up.

1346. You think that it would be right that the power should be given to go before a jury, and that they should decide the rights; that is to say, that they should judge of what was a fair compensation to be given to those who had established their claim to such rights?—I think that that would be a fair and equitable mode of proceeding; I think that you must do so.

1347. Do you find any such power given in the Metropolitan Commons Act of 1866?—I fancy that the Lands Clauses Act could be made use of in that respect.

1348. What is the clause in the Act of 1866?—The 15th.

1349. Do you know whether that has been done in any instance under this Act?—I am not aware of any instance of it.

1350. Do you know whether, on the part of those persons who have, or who claim to have, rights of common, there is a feeling of security with regard to this 15th clause providing compensation

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pensation to them?—Previously to the passing of this Act, I and Mr. Cheston, the Steward of the manor of Mr. Tyssen Amhurst, were examined upon this question, and the evidence which was given was, that he would be willing to meet the matters fairly; but that he did expect something there is no doubt.

1351. Do you think that he feels that this clause 15 gives sufficient security for compensation?—I do not know what his ideas are; I fancy that if a person once establishes his right, that clause is sufficient to give him a right to go before a jury.

1352. If the parties had doubts upon the subject, it might prevent their concurring in any scheme, might it not?—Probably it would do so.

1353. And if the owners, and those having property in commons within the metropolitan district, did not concur in the scheme it would practically render null and void the provisions of this Act, would it not?—I do not exactly take it in that way; I think that the Commissioner would have power to hear all sides, and that he then must determine.

1354. Is it not necessary that the memorial for a scheme as to a common should be presented by the lord of the manor, or by the commoners, or by the local authority?—Yes.

1355. If the lord of the manor and the commoners did not think that they were secure of receiving compensation, and did not present a memorial, it would rest entirely with the local authority, would it not?—Either one of the three parties having presented a scheme, I take it that the other two of course would be heard, but that if the Commissioners thought that they could not bar that place, they would not give their consent.

1356. Do you think that it would be well to give to other individuals than the three bodies who are here referred to, the power to initiate a scheme; I mean the general public?—That would very materially depend upon the parties on whom you placed the expense afterwards; the question of expense was one question with us; I always suggested that it would be a very good thing to go to the Metropolitan Board, because we should have had it paid for out of the metropolitan fund of the metropolis generally. If you are going to make it paid for locally, there is no reason why a local body should not have a right to ask for it.

1357. When you say that this is a resort of all the riff-raff at the east end of London, I suppose that they are not all riff-raff who go there, are they?—The paths are kept by the respectable portion of society, because it is a direct thoroughfare; but the fields themselves are very badly used.

1358. What do you suppose will become of this riff-raff, if you shut them out of the fields?—I would not propose to shut them out entirely, but I would propose to have them under supervision.

1359. How far is this land from Victoria Park?—About half a mile.

1360. Do all these lands lie pretty close together?—No, they are very largely apart.

1361. Are they all near Victoria Park?—Hackney Common is the only one which is close to Victoria Park; Clapton Common is about two and a-half miles from it; Newington Common is some three miles distant, and the Marshes are perhaps a mile off in some parts.

1362. Is Newington Common a place which is near any park, where these riff-raff could go, if they were excluded from these fields?—Yes, they would have to go a little further from the centre of London to get there.

1363. But even if people are riff-raff, I suppose that you would not exclude them from fresh air?—Certainly not; I do not use that term offensively.

1364. Do you think that the provisions of this Act, if they were made applicable to these particular lands, would be satisfactory to the inhabitants?—I think so; we propose to insert certain words which should include lammas lands, and also such words as would include those parts which are open for less than a year; it has been said, that this Act does not apply to those places which are closed for a part of the year.

1365. Have you the words drawn which you would suggest?—These are the suggestions of the vestry:

[*The Witness delivered in the following Paper:*—]

At a Special Meeting of the Vestry of the Parish of St. John at Hackney, held at the Town Hall, Hackney, on Monday, the 14th day of June 1869, Mr. Churchwarden *Russell* in the Chair.

Read Report of Parliamentary Committee, appointed by a Special Resolution of the Vestry, held on the 4th instant, to watch the progress of any Parliamentary measures affecting the Poor Laws, or other matters of parochial or municipal interest.

It was moved by Mr. *W. Green*, seconded by Mr. *Muscutt*, and Resolved—"That the Report be adopted so far as relates to the Bill to amend the Metropolitan Commons Act, 1866, viz.:—

"That, in clause 2, line 10, after the word 'for' omit '*not less than*,' and insert 'any portion of a year during the;' and that the following addition be made, 'and the word *common* shall be taken to include all lammas land.'"

1366. What does the proposed scheme do with regard to Newington Common?—We have not, at present, embraced Newington Common. Under the advice of the solicitor of the Metropolitan Board, we thought that it would be quite sufficient to deal with two large places at one time.

1367. You have said that Newington Common is the farthest from any park?—Yes.

1368. I suppose that no scheme is to be proposed which will inclose Newington Common in any way?—No, we do not propose to inclose any part of it.

1369. Those persons whom you represent wish to maintain these commons as open spaces, but under proper regulations?—Yes.

1370. And, with the amendments which you propose, you think that this Bill would be applicable to, and would be beneficial to, the community residing around the commons of which you speak?—I think so.

1371. Mr. *Bonham-Carter.*] I understood you to say that, before the passing of the Metropolitan Commons Act, you gave Parliamentary notices on behalf of the vestry?—Yes.

1372. Was a Bill drawn?—No, there were merely the notices and the plans lodged.

1373. Were those notices to the public in the "Gazette," or were they notices to the parties?—They were in the morning papers, and in the "Gazette."

1374. They were the ordinary preliminary notices?—Yes; they were no further than that; the second step, of giving notices to individuals, was not taken.

1375. Did

1375. Did you, without having given the notices, go into the question of who were the persons to whom the notices should be given?—Yes.

1376. Was the difficulty of finding out who those parties were, in any way, the ground for dropping the scheme?—No.

1377. So that, subject to rights which might have appeared afterwards, you were generally aware who the persons upon whom notices would be served were?—I think so; I think that we should have been prepared to go on with that question. We should have served what notices we might have been advised to serve.

1378. Can you tell us at all who those persons were; I do not mean by name, but generally?—Dealing with the London Fields, I should have first considered that there was the absolute freeholder itself, that is to say, Mr. Corbett, or his representatives. Then, there is the lord of the manor if he has any rights, and I should serve the lord of the manor under advice as representing the Court Baron. I should not have thought of serving each copyholder.

1379. When you were going into the scheme, was it supposed that the copyholders had actual rights in the common?—I have seen the court rolls; the Court Baron at one particular time threw it open to all parties occupying property of 10 *l.* a-year.

1380. So that, in fact, there were the lord, and a certain limited number of freeholders and of copyholders, who might be supposed to have definite rights?—Yes, and their tenants.

1381. That is to say, in respect of those copyholds?—Yes.

1382. Was there a very large number of copyholders?—I expect so.

1383. The freeholders, I apprehend, had the right for certain months of the year?—Yes, for four months of the year.

1384. And the exercise of the right of the copyholders accrued after the four months?—Yes, in the eight months.

1385. I understand you to say that the herbage of the common is let?—I think that I can give you a practical illustration; some 30 years ago the freeholders of Hackney Downs sowed their wheat, and the day arrived at which it ought to have been cleared off, and it was not cleared off, and the commoners put on their cattle who ate it off; there was a great noise about it, and there were actions about it.

1386. Were those actions compromised?—They were never carried through.

1387. You have mentioned marsh drivers?—Yes.

1388. Did those marsh drivers exercise authority over the whole of these commons?—As far as I have knowledge, I think that they did; I have never entered into the secrets of what they have been doing, but it is the general impression that they marked every head of cattle which went on to this common.

1389. They were officials of the lord?—Yes, appointed by the homage.

1390. Did you ever attend a homage yourself?—No.

1391. I have understood you to say that, with the consent of the homage, the rights were at one time let for something like 25 *l.*?—The London Fields used to produce that amount; and the Downs would have produced that sum years ago for the purpose of feeding cows during the time.

1392. The copyholders having the right of pasturage during the eight months, do they attend the homage?—I do not know; it was always a very close court.

1393. I understood you to say that the copyholders had rights of pasturage?—Yes; and there was a special resolution of the homage passed, throwing it open to all copyholders, and all tenants occupying to an amount of 10 *l.* a year in the manor.

1394. Then how did it happen that there was a letting?—That was for the four months.

1395. On the part of the freeholders?—Yes.

1396. The separate right of user for the four months was let on the part of the freeholder, and his rights were protected by marsh drivers?—I presume that they protected them; I presume that they would be the parties. I do not know how they did it.

1397. Am I to understand you that all these freehold rights are vested in one person, namely, Mr. Corbett?—Yes, with reference to the London Fields.

1398. So that as far as the London Fields are concerned, the rights for the four months are now in the hands of two persons, namely, the lord and Mr. Corbett; the lord has certain rights?—He asserts that he has a certain right over the brick-earth.

1399. Whatever rights the lord has still exists in him; he has done nothing to divest himself of those rights, has he?—I have never heard that Mr. Tyssen Amhurst has done anything to divest himself of the rights which he has in that manor, but I do not like to say that in the London Fields Mr. Tyssen Amhurst has any rights.

1400. Should you have served him with notice?—I think so, for safety.

1401. You say that at present the herbage is worth nothing?—It is perfectly worthless for the 12 months of the year.

1402. I understand you to say, that you recollect the time when there were definite rights which were worth money?—I recollect the time when a cowkeeper could have put a few cows on there, but he could not do so now.

1403. You have also said that the respectable part of the inhabitants generally keep to the paths?—Yes.

1404. Then, is it not a fair conclusion that it is by the inroad of the riff-raff, as you call them, who of course must exist in London, that the rights of the commoners, whatever they are, have been infringed upon, and rendered valueless?—Yes; it is by the constant running over the field that the herbage has been destroyed.

1405. I understand that what you would wish is, that whatever rights there are should be all fairly considered, but that the scenes which now occur should be put an end to?—I think that that is the fair way of looking at it.

1406. I think that you say that the steward, on behalf of the lord, expressed his willingness to have an arrangement come to?—Yes; that was the evidence of Mr. Cheston; he said that the lord had certain rights.

1407. Would it be possible to make a scheme by voluntary arrangement?—I think not; I have tried Mr. Cheston, but we can get at nothing definite.

1408. Did he object to selling this belt of land, which you proposed as one of the modes of deal-

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ing with the matter?—He never would explain himself as to what would be his ultimate decision.

1409. Was the sale of that belt of land limited to one of these commons?—It only applied to the London Fields.

1410. At present the London Fields, I think, are nearly surrounded with houses?—They are nearly surrounded by houses; on one side by Shoreditch, on another side by Bethnal Green, and on another side by Hackney.

1411. Would there be any difficulty from the inhabitants of those houses, supposing that you built in front of them?—They themselves caused the difficulty; they said that they did not want their extended view closed.

1412. In your opinion, do those houses let at a higher rent in consequence of having the London Fields in front of them?—I think that they would do so, if the London Fields were in a decent state, but they are in such a bad state, that I think that it is rather detrimental to the lettings.

1413. You would not propose in any scheme to close any of these commons?—Not entirely to close them.

1414. But you said that a part of the scheme was to regulate the enjoyment, particularly in the case of persons who came on at night?—I would close them at night, and only keep the paths open.

1415. Then you would fence them?—Yes.

1416. And would appoint constables?—Yes; but I would leave them open for cricket, and trap-ball, and enjoyments of that sort.

1417. Mr. *Johnston.*] Has a portion of the London Fields been already built over?—That is a moot point which I would not like to answer, as to whether it is legally built over; a space of ground is partially built over, which it is said has been taken from the London Fields.

1418. Has your vestry, or anybody else, taken any steps against those people who are supposed to have illegally appropriated that part of the fields?—The vestry have gone as far as they could, but they have no authority *qua* the vestry to do it.

1419. I suppose that unless something is done, that building will continue to extend itself?—I do not see that; I do not see that there can be any more buildings.

1420. Why should not building continue for the same reason as that for which it has been begun, if no one should interrupt it?—Because the building which has been spoken of is in a space which has been inclosed for a very great number of years, and there may or not be a title to it; the other part is as open as can be, and the moment that anybody touched it, it would be resisted.

1421. Are you aware that the London Fields are a most valuable drill ground, being the nearest open space accessible to several large regiments of volunteers?—The militia and the police drill there, but I do not know that any of the volunteers go down there.

1422. You are not aware that the 1st Tower Hamlets Volunteers drill there?—I was not aware of it; it may be so.

1423. Colonel *Barttelot.*] Do you happen to know whether within the metropolitan area, that is to say, within the police district, there are many Lammas lands?—I cannot speak with certainty of other commons, but I have generally heard it asserted that the Hackney lands are the principal of the Lammas lands round London, and that it is not generally known where the other Lammas lands are.

1424. Then so far as you know, these are the only Lammas lands within a short distance of the metropolis?—Yes.

1425. All these lands, I think, are not Lammas lands?—There is a difference in the holding between some of them; in the Hackney Downs, for instance, I believe that in addition to the lord having a right over them as lord, he has strips which are his own freehold.

1426. That is not Lammas land; there is no doubt that the London Fields are Lammas land?—I think that there is no doubt of it.

1427. And you have very fairly said that in order to deal with those rights, you ought to have a special power to make some compensation to the owners?—I have no particular wish to benefit the owners, but I do not see how it can be done otherwise: I do not see how you can do it without compensating everybody, and therefore I say that, justly and equitably, you should pay every one, whatever his right may be.

1428. Would not it be a great advantage to that part of the metropolis?—Undoubtedly.

1429. And therefore you think that it would be no hardship upon that part of the metropolis fairly to pay what was owing to these people for their rights?—Yes, if they could establish them.

1430. All that you would wish to do would perhaps be, that, with regard to the Lammas lands in that particular district, you would desire to have some special Act?—I think that the proposed Bill might be so modified that we could come under it, and be assisted materially by it, without having a special Act for ourselves.

1431. Do you not think that the difficulty would be, that whereas in some of the other Lammas lands it would be a great hardship upon the owners; in the Lammas lands which you have named the hardship would not be so great?—I cannot conceive that there would be much more hardship to them than if a railway company compelled them to give up their rights. A railway across the Downs has already taken possession of some of the land, and has paid somebody.

1432. In the case of a railway company taking the rights, they pay full compensation?—Such as is awarded.

1433. And, generally speaking, that is very large?—It all depends who is on the opposite side to cut it down.

1434. Taking it in the ordinary way, that case would hardly apply to you, would it?—I would let any person who thought he had a right come in and be heard, and I would dispose of the question of value, and I think that the value would be so small that we should get it for very little.

1435. Supposing that there were any Lammas lands situated at a greater distance than these from London, they would not be of the same advantage to the metropolis?—No; the nearer they are to the heart of the metropolis, of course, the more valuable they become to the public to get hold of.

1436. It would not be fair to introduce into this Act of Parliament the doing away with the rights of Lammas lands, simply to secure the Hackney Fields?—Not simply to secure the Hackney Fields. As you get further out, I think

think that the Lammas lands would be a little more valuable, but nearer to London they are getting not to be so valuable; and I fancy that the owners of Lammas rights in London would not have the same value as the owner of Lammas rights 30 miles from London.

1437. Therefore it would be unfair to extend that right beyond those fields?—I would extend it; but the other man, perhaps, would get the advantage of being paid better, because he would get a more valuable piece of land.

1438. Do you know whether these metropolitan commons are much frequented?—Our marshes in the dry weather are very much frequented; they are the only open spaces between Victoria Park and the Forest; parties go across there to Lea Bridge on the Sunday afternoon; they are very largely frequented.

1439. Are there any other uninclosed commons in that neigbourhood in Essex?—Not near us.

1440. Do you know anything of the Surrey commons?—No.

1441. You know nothing of any commons on the south side of the river?—No.

1442. Then you are not able to state whether the present area of the Metropolitan Police District is sufficient for the accommodation of the London public, or not?—On our side of London we are very much curtailed for open spaces; excepting these open spaces, we have only Victoria Park and Finsbury Park, which will be shortly opened; but between those two parks we have nothing at all open to the public, except these commons which are getting into a very bad state.

1443. Mr. *Winn.*] You say that Lammas lands near London are of less value than they used to be formerly?—Yes.

1444. That is from the riff-raff using them a great deal more than they used to do?—I think that that is one of the incidents of being near the interior of a large city.

1445. The riff-raff run over these lands, and destroy the herbage?—Yes; they are the nearest fields for them to get at, and they go to the nearest place.

1446. And you would like to regulate the enjoyment of this land by sending the riff-raff further off, and leaving the land to be used by the more respectable inhabitants?—No; I would not exactly do that; I think that if these fields were better kept, and preserved, and if there were some conservancy over them, the population would be educated into a little better mode of using them.

1447. You have said that you think that that would have the effect of sending them rather further off?—Yes, as respects the particular parts which I speak of. A very great deal of immorality is going on upon those fields night and day.

1448. Is it not the very mode in which that land is used by those classes which has made it of less value than it used to be, and has in a great measure established the right of the public to it?—It is partly their mode of using it, but the principal thing is the cutting up of the herbage which has prevented the letting.

1449. That has been done by these very people?—Yes.

1450. They having gained this right, what you are now wanting is to exclude them by regulations which you propose making?—It is the object of everybody to get rid of a nuisance, as far as he possibly can.

1451. But you want to make use of what these people have done for you, in order to get the land at a reduced value from the people who originally had the ownership of it?—In paying for it I should make use of the argument that it had been so valueless for many years, that it would not be worth while asking much for it.

1452. You say that you would have a jury to assess the value?—Yes.

1453. You say that in some cases a considerably larger value has been given for some of these rights than they are now worth?—I have heard that these fields were bought for a very large amount of money, and with the idea of having one or two lawsuits at the end of it.

1454. Bought by whom?—By the freeholders.

1455. What was the reason they gave this large sum?—I do not know; they might have been advised to purchase them.

1456. Was it not some speculative value which they put upon them?—In my idea, from what I have heard, it was a speculative value. I have heard that some 6,000*l.* or 7,000*l.* has been given for them.

1457. Was that a speculative value for building purposes?—I do not know what the ultimate object was.

1458. You think that it would be fair, notwithstanding their having bought this land at a speculative value, that they should only have their rights as they now are, valued by a jury?—I do not think that it would be right to allow that speculative price which they have given, to be an element in the consideration of the value.

1459. I understand you to say that in your opinion the jury should value the land at its present value?—Yes.

1460. *Chairman.*] Supposing that the persons who are now guilty of improper conduct on the London Fields, were removed by police regulations, would there remain still a very large quantity of persons ordinarily frequenting them who do not come there for the purpose of improper and indecent conduct?—I think that there is a very large class surrounding that neighbourhood, to whom it would be a great boon to have that ground cleared of the parties who, least of all, would allow them to use it in a decent manner.

1461. Then is your complaint restricted to the manner in which the London Fields are used, and not to the number of people who come upon them?—I fancy that there would be more people on them if they were in a better state.

1462. Supposing that these London Fields were brought under the operation of the Metropolitan Commons Act, would not the parties claiming rights in them, have the same opportunities of having their rights ascertained, which persons whose land is taken by railway companies have; or in other words, would not the Lands Clauses Consolidation Act and the Lands Clauses Consolidation Acts Amendment Act apply in this case, as they do in the case of railways?—When I saw the Act of 1866 passed, my idea was, that when the parties had established a right, they could have it decided in the same way as if a railway company dealt with the land.

1463. You find that in the 15th clause of the Act of 1866?—Yes.

1464. Do you also find there that no right of a profitable, or beneficial nature, affecting a

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common, is to be taken away without the consent of the party, unless compensation is given in the way which you have mentioned?—Yes, I think that that is the meaning of it.

1465. Have you, therefore, any doubts that persons claiming rights of a beneficial character in the London Fields would have the same opportunities of making out their claim to compensation as persons interested in railways have?—I think that they would under this section.

1466. You have stated that occupiers of houses of the value of 10 *l.* and upwards, have rights during the open months; will you state the limit of area in which the occupiers of such houses have the rights; is the limit the manor?—I believe that it is the manor.

1467. Is the manor as extensive as the parish?—There are three different holdings in that manor, but I think that the three holdings together are as extensive as the parish.

1468. Would the occupiers of such houses of a rental of 10 *l.*, be a very large number of persons?—No, not with us.

1469. Mr. *Bonham-Carter.*] I think that you stated, in answer to Mr. Winn, that the classes who frequented that common had rendered it valueless; did you consider the rights which would have to be compensated when you drew your scheme; did you propose in any way to recognise as a right the user by these people?—We proposed to ask Parliament to extinguish those rights upon this ground, that inasmuch as we were the parish itself going to Parliament, we were asking for the benefit of that particular parish, to extinguish those rights which had become worthless.

1470. Did you apprehend that the inhabitants of the parish, as inhabitants, irrespectively of being copyholders, had established any right of user over the common?—We always understood that the inhabitants had a right to put on their cattle in years gone by.

1471. As copyholders?—As copyholders, and the order of the homage to which I have referred threw it open to all parties and their tenants, so that it embraced almost every person in the place.

1472. Did you admit, in any way, that the public, namely, the riff-raff, who you say have principally destroyed the herbage, had acquired as a right?—Not as a lawyer.

1473. But practically it was done?—Yes.

1474. In your opinion they had not acquired a right, but had rendered the herbage valueless?—Yes; they had rendered it so valueless, that it was not worth while to put up barriers against them.

1475. *Chairman.*] Then you mean the Committee to understand that although the ordinary frequenters of these London Fields have not in that way a legal right, they have had such a user, that in their uninstructed minds they might consider that they had a right?—I take it that if any one attempted to shut out the public from the London Fields there would be a great noise, and the police would be required to be called in on a Sunday morning.

1476. Mr. *Knatchbull-Hugessen.*] I suppose that even an uninstructed mind, if it inhabited a body which had roved over these commons for 20 years, might imagine that it had a right?—Yes.

1477. Mr. *Johnston.*] Would it not be much better simply to reserve all rights as regards this open space?—Yes, if you could do so, but I confess that I cannot see how you could do so.

1478. Are you not aware that the only scheme which has been carried out under the Act of 1866, has been carried out in that way?—No.

1479. You have not studied that matter?—No.

1480. What would be the harm of reserving these rights of pasture, or growing crops, or whatever they are?—Supposing that you reserved to Mr. Corbett all those rights, those rights are pasturage for four months in the year, and supposing that the conservator put the place in decent order, and put up the fences very nicely, when the four months arrived he would naturally say, "I will do as I like with the fields;" when those four months had expired, the people having the rights of the eight months would say, "Why have you put up a fence here, and a gate there?"

1481. But you might have gates, and a gate would do no harm?—But the moment that you limit another person's rights, he says, "I will deal with it as I like."

1482. I would not limit his rights?—I have considered that scheme, but I do not see how it is possible to carry it out.

1483. Colonel *Barttelot.*] It would be utterly impossible to maintain the rights belonging to those gentlemen if you said that you guaranteed them their rights, would it not?—I do not see how you could maintain them; I think that it would be utterly impossible; other parties with wiser heads than my own have stated that it is possible to do it, but I confess that I cannot see it.

1484. And therefore the only practicable course is fairly to compensate the parties for those rights which they possess?—Yes, fairly on both sides.

1485. Mr. *Knight.*] Is it your opinion that clause 15 of the Act of 1866 governs, or should govern, the whole of the schemes made under that Act, namely, that the public should not take to a common under a scheme by this Act without first compensating the rights under the Lands Clauses Consolidation Act?—I think that whoever took up the scheme should take it up as a whole, and should have the sole proprietorship of it for the benefit of the public, and should exclude everybody else who had any rights at all in it.

SPECIAL

REPORT

FROM THE

SELECT COMMITTEE

ON

METROPOLITAN COMMONS ACT (1866) AMENDMENT BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
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D.

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F.

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G.

Gravel and Sand. Proposal that, in dealing with schemes, inquiry be made into the practice of digging gravel and sand, *Lawrence* 657——Way in which the right of taking gravel might be dealt with, irrespectively of compensation clauses, *ib.* 847, 848.

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H.

Hackney (London Fields, &c.). Use made by the public of London Fields and Hackney Downs, these being Lammas lands, and it being desirable to take steps for preserving portions of them as open ground, *Ridley* 198–208——Belief as to Hackney Marshes being Lammas land, *ib.* 198, 199——Obstacle to the inclosure of these lands without a special Act, *ib.* 205.

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Hampstead Heath. Information relative to the negotiations with the late Sir Thomas Wilson on the subject of Hampstead Heath, and the suit eventually instituted in the interests of the public, but not completed; rights of the present lord of the manor adverted to hereon, *W. W. Smith* 526–533——Further reference to the case of Hampstead Heath; public objection to the sale of any portion, *ib.* 634, 635.

Hayes Common. The only scheme hitherto sent in to Parliament under the Act of 1866 is one relating to Hayes Common, which has recently received the Royal Assent, *Ridley* 4. 57. 79——Very full report made by the Inclosure Commissioners in the case of the single scheme proceeded with under the Act of 1866, *ib.* 80–83.

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Inquiry. Want of increased powers of inquiry in the Inclosure Commissioners under the Act of 1866, *Ridley* 8-13. 76, 77; *W. W. Smith* 549-559. 600-602——Propriety of inquiry when any person submits that his rights are threatened with injury, *Lawrence* 695.

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L.

Lammas Lands. Belief that the Act of 1866 applies only to lands which are waste of a manor and does not include Lammas lands or half-year lands, *Ridley* 14. 20——Opinion that a more clear interpretation should be given to the Act, and that half-year lands and Lammas lands should be clearly excluded from its operation, *ib.* 15-18. 20-22. 149-152——Limited use made of ordinary Lammas lands by the public; expediency of due consideration of the rights of the owners, *ib.* 200. 204-209. 229, 230.

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TO THE

REPORT

FROM THE

SELECT COMMITTEE

ON

METROPOLITAN COMMONS ACT (1866) AMENDMENT BILL.

Ordered, by The House of Commons, *to be Printed,*
19 *July* 1869.

333—I. *Under* 3 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON THE

NEW LAW COURTS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
30 *July* 1869.

381.

Tuesday, 22*nd June* 1869.

Ordered, THAT a Select Committee be appointed to inquire into the Site and Charge of the New Courts of Law.

Monday, 28*th June* 1869.

Ordered, THAT the Committee do consist of Seventeen Members.

Committee nominated of,—

Mr. Chancellor of the Exchequer.
Lord Stanley.
Mr. Layard.
Lord John Manners.
Mr. W. Cowper.
Mr. Hunt.
Earl Grosvenor.
Mr. Mowbray.
Mr. W. Gregory.
Mr. Hope.
Mr. Tite.
Mr. Bentinck.
Viscount Enfield.
Mr. Goldney.
Mr. Torrens.
Mr. Russell Gurney.
Mr. Osborne Morgan.

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Thursday, 1*st July* 1869.

Ordered, THAT all Petitions, Reports, and Papers relating to the Sites of the New Courts of Justice, which have been presented to this House during the present Session, be referred to the Committee.

Monday, 12*th July* 1869.

Ordered, THAT the Petition of the Metropolitan and Provincial Law Association against the Courts of Justice (New Site) Bill be referred to the Committee.

Wednesday, 14*th July* 1869.

Ordered, THAT the Petition of Mr. Rigby Wason [presented 6th July], against the Sites proposed for the New Law Courts, and in favour of erecting them at Whitehall, be referred to the Committee.

Tuesday, 20*th July* 1869.

Ordered, THAT Mr. Gregory be discharged from further attendance on the Committee, and that Mr. Watkin Williams be added thereto.

Thursday, 22*nd July* 1869.

Ordered, THAT the Petition of the Members of the Legal Profession, in favour of the Courts of Justice (New Site) Bill, be referred to the Committee.

Monday, 26*th July* 1869.

Ordered, THAT the Petition of William Lechmere, in favour of the Courts of Justice (New Site) Bill, be referred to the Committee.

Wednesday, 28*th July* 1869.

Ordered, THAT the Petition of Members of the Legal Profession, in favour of the Courts of Justice (New Site) Bill, be referred to the Committee.

Friday, 30*th July* 1869.

Ordered, THAT the Committee have power to report their Observations, together with the Minutes of Evidence taken before them, to The House.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into the Site and Charge of the NEW LAW COURTS;——HAVE considered the matters to them referred, and have agreed to the following REPORT:—

1. YOUR COMMITTEE have taken into consideration the matters referred to them, and have examined professional and other witnesses of experience and eminence.

2. They find that, in 1842, a Select Committee was appointed "to consider the expediency of erecting a building in the neighbourhood of the Inns of Court for the sittings of the Courts of Law and Equity, with a view to the more speedy, convenient, and effectual administration of justice."

3. Inquiries were renewed, by direction of Parliament, from time to time, and a Royal Commission issued in 1859, whose recommendations all tended to that object.

4. In accordance with the Report, made in 1860, of the Royal Commission, which included the present Lord Chancellor, Sir J. T. Coleridge, and the late Sir G. Cornewall Lewis, an Act was passed in the year 1865, authorising the purchase of a large area, since cleared, lying between the Strand and Carey-street, and containing 7½ acres.

5. By a second Act, of the same Session, the cost of the site to be thus acquired, and of the buildings to be erected upon it, was provided for partly by 1,000,000 *l.* of Stock, standing to the credit of the Suitors' Fund in the Court of Chancery, and partly by a redemption annuity, extending over a period not exceeding 50 years, to be levied by fees on suitors.

6. The acquisition of the property and its clearance have occupied a period of nearly four years, and the cost of the purchase and clearance has amounted to a sum exceeding 800,000 *l.*

7. A Royal Commission, dated 29th June 1865, was issued appointing the Lord Chancellor and many of the Judges, and other persons, "to advise and concur with the Treasury as to the plan and arrangements of the intended New Courts;" and during the period which has been occupied in acquiring and obtaining possession of the site, the Commissioners have, from time to time, recorded their opinion as to the courts and offices necessary or desirable to be provided for.

8. Under the Thames Embankment Act, passed in 1862, a space of ground lying between Norfolk-street, Surrey-street, Arundel-street, and the River, was reclaimed and directed to be set apart for the use of the public as ornamental ground.

9. Upon this ground, and the space lying between it and the Strand, a scheme was proposed early in the present Session for erecting new Courts of Law and Offices, instead of erecting them on the Carey-street site, acquired under the Act of 1865. This design was subsequently limited to an area comprising the houses and buildings to the south of Howard-street, and about 1¼ acre of the reclaimed land, and involving, for the sake of approaches and air, the demolition of part of the houses on the north side of Howard-street.

10. Mr. Street, whose plans for the building on the Carey-street site had been sanctioned by the Royal Commission, was directed by the First Commissioner of Works to prepare a set of plans adapted to the lesser Embankment area, consisting of six acres; and likewise plans on a reduced scale suited to the $7\frac{1}{2}$ acres of the Carey-street site.

11. Thus the Committee had before them, on the north of the Strand, $7\frac{1}{2}$ acres, forming the Carey-street site, already purchased and cleared, and from which upwards of 4,000 resident occupiers had been removed, and on the south of the Strand, below Howard-street, a site to the extent of 6 acres, about $4\frac{1}{2}$ acres of which are still covered by houses and buildings.

12. From the fullest consideration of all the circumstances of the case, and of the facts stated in evidence before them, your Committee have come to the following conclusions:—

13. They are of opinion that the Carey-street site, upon the whole, affords the best opportunity of concentrating the courts and offices in the centre of the great legal district lying between and nearly equi-distant from Lincoln's Inn and the Temple; and that it would be greatly to the public advantage that this site should be adhered to, and the New Law Courts and Offices erected thereon, as sanctioned by Parliament in the Act of 1865.

14. The evidence received by your Committee has satisfied them that the convenience of the public cannot be separated in the main from that of the legal profession, and that the economy of time which would result from placing the Law Courts in immediate proximity to the chambers of the practising barristers and solicitors, would tend to the direct advantage of the suitors. On the other hand, the placing of the Equity Courts on the Embankment site would, in the judgment of your Committee, be of serious detriment to the public and the profession, and materially diminish, if not destroy, the benefit which has accrued from the transfer of the Chancery Courts from Westminster to Lincoln's Inn.

15. With regard to facility of access, your Committee are impressed with the conviction that for all ordinary purposes connected with the Courts no great additional expenditure need be incurred should the Carey-street site be adopted; while they desire to call attention to the fact that the increased accommodation likely to be afforded by the Embankment, the river, and the contemplated railway must be taken into account as available, in the case of strangers, for the Carey-street site, to nearly the same degree as for that of Howard-street.

16. The Carey-street site admits of a building the same size as that proposed to be placed on the Embankment site, with an area available for improved approaches.

17. The reasons for any improvement in the approaches that may be desirable upon the north of Carey-street would equally apply if the building were erected on the Howard-street site.

18. It is alleged that the shape of the Carey-street site presents certain inconveniences, from the irregular shape of the western boundary; but your Committee believe that the site may be made available for the reduced scheme without any additional purchases, by a give and take arrangement with Clement's-Inn, and that if any additional purchase of ground were found necessary, the cost of such purchase might be met by the sale of a portion of the ground already acquired.

19. Mr. Hardwick and other witnesses have stated their opinion that no difficulty whatever would exist in securing purity of air, adequate ventilation, and sufficiency of light in buildings erected on either site.

20. The Carey-street site, then, being in the opinion of your Committee the most convenient for the accomplishment of the main objects of the proposed concentration, they proceed to consider whether, with relation either to cost or architectural effect, it would be wise to abandon the present Parliamentary site.

21. Your

21. Your Committee have carefully weighed the conflicting statements laid before them regarding the question of cost.

22. The estimated expense of acquiring the Howard-street site and widening Essex-street, which Mr. Street and Mr. Hunt concur in regarding as indispensable, would be as large as that already expended on the Carey-street site as it now stands.

23. If the Carey-street site were abandoned, a considerable loss must inevitably occur on its re-sale, which Mr. Pownall, Mr. Hardwick, and Mr. Oakley agree in putting as high as 436,000 *l.*

24. Mr. Hunt, indeed, says in his evidence, that he has been in communication with a gentleman representing, according to his own statements, some very responsible persons who are willing to take the Carey-street site and lay it out for building purposes at an ultimate rent equivalent to 3 ½ per cent. on 780,000 *l.*; but that, although the ultimate rent will be 3 ½ per cent., there must be a period of time when all the rent cannot be obtained, and so Mr. Hunt puts it at 3 per cent.

25. Even assuming that all Mr. Hunt's expectations could be realised, the very least amount of loss which can be calculated on is 34,000 *l.* per annum for four years for interest of money.

26. The evidence has satisfied your Committee that the area already acquired, and which is ready for the commencement of building, is sufficient for the erection of the Courts of Law and the Offices on the reduced scale contemplated in the plan prepared for the Howard-street site by direction of the First Commissioner of Works.

27. If at any future period additional accommodation should be required, the ground in the neighbourhood of the Carey-street site would be obtained at a probably lower price than that in the neighbourhood of Howard-street; the latter site being bounded by King's College on the one side and the Temple on the other, any extension would have to take the direction of the very expensive block of buildings on the south side of the Strand.

28. There is so much difference of opinion in your Committee as to the comparative advantages of the two sites in point of architectural effect, that they are unable to report upon that subject.

29. Looking at the delay that has occurred since the passing of the Act, and the further suspense that would be unavoidable in obtaining the powers for, and the compulsory purchase and clearance of, another site, and considering that no paramount reasons have been submitted to the Committee for a change in the original design, your Committee recommend that the Carey-street site be retained, and that the New Law Courts and Offices be erected thereon.

30 *July* 1869.

PROCEEDINGS OF THE COMMITTEE.

Thursday, 1*st July* 1869.

MEMBERS PRESENT:

Mr. Goldney.	Viscount Enfield.
Mr. William Gregory.	Lord John Manners.
Mr. Mowbray.	Earl Grosvenor.
Mr. Tite.	Lord Stanley.
Mr. Torrens.	Mr. Chancellor of the Exchequer.
Mr. William Cowper.	Mr. Osborne Morgan.
Mr. Layard.	Mr. Beresford Hope.

Lord *Stanley* was called to the Chair.

The Committee deliberated.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 5*th July* 1869.

MEMBERS PRESENT:

Lord STANLEY, in the Chair.

Lord John Manners.	Mr. Tite.
Mr. Mowbray.	Mr. Goldney.
Mr. Hunt.	Earl Grosvenor.
Mr. Layard.	Mr. Cowper.
Mr. Osborne Morgan.	Mr. Bentinck.
Mr. Beresford Hope.	Mr. Torrens.
Mr. Russell Gurney.	Mr. Chancellor of the Exchequer.
Lord Enfield.	Mr. Gregory.

Mr. *Field*, examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 9*th July* 1869.

MEMBERS PRESENT.

Lord STANLEY, in the Chair:

Mr. Layard.	Mr. Chancellor of the Exchequer.
Lord John Manners.	Mr. Osborne Morgan.
Mr. Russell Gurney.	Mr. Beresford Hope.
Lord Enfield.	Mr. Bentinck.
Mr. Goldney.	Mr. Hunt.
Earl Grosvenor.	Mr. Gregory.
Mr. William Cowper.	Mr. Torrens.
Mr. Mowbray.	

Mr. *Field*, Mr. *Burnett*, and Mr. *Street*, were severally examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 13*th July* 1869.

MEMBERS PRESENT:

Lord STANLEY, in the Chair.

Mr. Bentinck.	Lord Enfield.
Earl Grosvenor.	Mr. Goldney.
Lord John Manners.	Mr. Chancellor of the Exchequer.
Mr. Mowbray.	Mr. Hunt.
Sir William Tite.	Mr. Gregory.
Mr. Layard.	Mr. William Cowper.
Mr. Beresford Hope.	

Mr. *Street*, further examined.

The Committee deliberated.—*Resolved*, That the Committee will not take evidence on the subject of any other site, except those on Carey-street and the Embankment respectively.

Mr. *Hunt*, examined.

The Committee deliberated.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 16*th July* 1869.

MEMBERS PRESENT:

Lord STANLEY, in the Chair.

Mr. Layard.	Mr. Goldney.
Lord John Manners.	Mr. Bentinck.
Lord Enfield.	Sir William Tite.
Mr. Mowbray.	Mr. Osborne Morgan.
Earl Grosvenor.	Mr. Chancellor of the Exchequer.
Mr. Torrens.	

Mr. *John Fowler*, Mr. *H. Freshfield*, Mr. *Dudley Baxter*, Mr. *H. Trelawny Boode*, Mr. *H. W. Cole*, Mr. *Samuel B. Robertson*, Mr. *Charles S. Whitmore*, and Mr. *Henry Vallance*, were severally examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 20*th July* 1869.

MEMBERS PRESENT:

Lord STANLEY, in the Chair.

Lord John Manners.	Mr. Cowper.
Mr. Mowbray.	Earl Grosvenor.
Mr. Layard.	Sir William Tite.
Mr. Beresford Hope.	Mr. Hunt.
Lord Enfield.	Mr. Chancellor of the Exchequer.
Mr. Goldney.	Mr. Osborne Morgan.

Mr. *Philip Charles Hardwick*, Sir *Roundell Palmer*, Q.C., a Member of the House, and Mr. *George Denman*, Q.C., a Member of the House, were severally examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 23*rd July* 1869.

MEMBERS PRESENT:

Lord STANLEY, in the Chair.

Mr. Mowbray.	Mr. Hunt.
Mr. Layard.	Mr. Chancellor of the Exchequer.
Lord John Manners.	Mr. Cowper.
Mr. Beresford Hope.	Mr. Osborne Morgan.
Lord Enfield.	Sir W. Tite.
Mr. Watkin Williams.	Mr. Bentinck.
Mr. Goldney.	Earl Grosvenor.

Mr. *J. Young*, Mr. *Nathaniel C. Milne*, Mr. *Richard Kinder*, Lord *Romilly*, Master of the Rolls (attending by permission of the House of Lords), Mr. *Charles Horwood*, and Mr. *John Oakley*, were severally examined.

The Committee deliberated.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 27*th July* 1869.

MEMBERS PRESENT:

Lord STANLEY, in the Chair.

Mr. Beresford Hope.	Mr. Russell Gurney.
Lord John Manners.	Earl Grosvenor.
Sir William Tite.	Mr. Hunt.
Mr. Goldney.	Mr. Watkin Williams.
Mr. Layard.	Mr. W. Cowper.
Mr. Chancellor of the Exchequer.	Mr. Osborne Morgan.
Lord Enfield.	Mr. Torrens.
Mr. Mowbray.	Mr. Bentinck.

Dr. *Bayford*, Mr. *Pennethorne*, Mr. *Ward Hunt*, a Member of the Committee, and Mr. *George Pownall*, were severally examined.

The Committee deliberated.

[Adjourned till Friday next, at Four o'clock.

Friday, 30*th July* 1869.

MEMBERS PRESENT:

Lord STANLEY, in the Chair.

Mr. Mowbray.	Mr. Torrens.
Sir W. Tite.	Mr. Bentinck.
Mr. Layard.	Mr. Chancellor of the Exchequer.
Lord John Manners.	Mr. Hunt.
Mr. Goldney.	Mr. Russell Gurney.
Mr. Beresford Hope.	Earl Grosvenor.
Mr. Cowper.	Mr. Osborne Morgan.
Lord Enfield.	Mr. Watkin Williams.

DRAFT REPORT proposed by the *Chancellor of the Exchequer*, read the first time, as follows:

"Your Committee have decided to limit their inquiry to the subject which seems to be practically in issue, that is the respective merits of the site already purchased north of the

the Strand for the erection of Courts of Justice, and the site south of the Strand, which the Government propose to purchase for the same purpose.

"They propose to compare the two sites under the following heads:

1. Shape, buildings, and elevation.
2. Light, air, ventilation, and quiet.
3. Surroundings and approaches.
4. Convenience of public and of legal profession.
5. Expense.
6. Architectural capabilities.

"1. *Shape, Buildings, and Elevation.*

"'Nothing,' in Mr. Street's opinion, 'can be less convenient than the outline of the Carey-street site as it stands at present, and no one can,' he thinks, 'have sanctioned the purchase of such a site with the impression that the purchases were to terminate with those which were already completed.'

"The shape of the Carey-street site, especially towards the west, is inconvenient, and necessitates some new arrangements.

"Nevertheless, your Committee are of opinion that the same quantity of Courts and offices can be placed on either site, and that these Courts and offices are sufficient to answer the purpose which Parliament had in view in 1865.

"The slope from Howard-street to the river is more rapid than the slope from Carey-street to the Strand. The height of Howard-street above the Embankment road is 21 feet. This, however, is not, in Mr. Street's opinion, any disadvantage. It adds very slightly to the expense, and it gives the opportunity of making approaches to the building at many different levels.

"2. *Light, Air, Ventilation, and Quiet.*

"In all these respects the Howard-street site is decidedly superior to Carey-street. The wide open space in front of the proposed building secured by the river, the movement in the air produced by the perpetual rise and fall of its waters, the vicinity of the Temple Gardens, the superior character of the buildings east, west, and north, and the long distance that separates Howard-street from the noisy thoroughfare of the Strand, appear to establish these points beyond doubt or dispute.

"3. *Surroundings and Approaches.*

"Taking the Carey-street site as it stands without the purchase of more land, it is difficult to conceive a site more difficult of access, and placed in a more objectionable neighbourhood. From the north the Carey-street site can only be approached by narrow streets. Thus:

	Ft.	*in.*	
Little Queen-street is, at the narrowest part	27	8	wide.
Great Queen-street	26	0	„
Portsmouth-street	18	0	„
Portugal-street	—		„
Serle-street	26	10	„
Duke-street	12	0	„
Chancery-lane	20	0	„

(Street, 701, 702.)

"The only remaining approach is by the Strand, which is perhaps the most crowded thoroughfare in London.

"The access to the Howard-street site is really admirable. 1. The Embankment road, 100 feet wide, from Westminster to Blackfriars, and thence to the very heart of the City by the new street from Blackfriars to the Mansion House, the river with its steamers, Waterloo and Blackfriars Bridges about equi-distant, a carriage road from Wellington-street by the Terrace of Somerset House, an approach from the Strand by four streets—Norfolk, Arundel, Surrey, and Essex streets—and a railway with a station close to the building, which brings the Courts in direct communication with the City, the Houses of Parliament, the City, and the suburbs that surround London,—seem to leave little to desire.

"As regards its surroundings the Carey-street site is most unfortunately placed.

"The plan proposed by Mr. Street for building at Carey-street without purchasing further ground, leaves in one place only 10 feet between the Courts and unbought buildings, and hardly anywhere leaves the distance of 60 feet between the Courts and property of the most objectionable description. To the west, Clare-market and its neighbourhood are highly offensive and objectionable, and Bell-yard is a place quite unsuited to the neighbourhood of a great public building. If the Carey-street site is selected, we think it quite obvious that very extensive purchases, north, east, and west, must at once be made. Howard-street is separated from the Strand by four streets, consisting of clean, substantial, and respectably inhabited houses; on the east it is close to the Temple and the Temple Gardens; on the west it is flanked by King's College, and Somerset House

with its terrace; and on the south is fronted by the Embankment road and the river. As regards approaches and surroundings, the superiority of the Howard-street site over the Carey-street site, supposing no purchases to be made in addition to either, is great and unquestionable.

"4. *Convenience of Public and Legal Profession.*

"For the above reasons the Committee are satisfied that, regarding London and its suburbs as a whole, and the Courts of Law as places to which everyone may be obliged to resort, the Embankment site offers the greatest amount of convenience to the public, by its accessibility, and by the greater comfort it will afford to those who resort to it. But it has been strongly urged upon the Committee, on behalf of the Royal Commission and the Law Institution, that all this is a delusion, that the legal profession should alone be considered, that the legal profession resides mainly to the north of the Strand, and that the fact that Carey-street is more acceptable to them that Howard-street, is conclusive of the whole controversy. The facts on which this statement rest will not bear investigation. It appears from a Paper handed in by Mr. Baxter, of the firm of Baxter, Rose, & Norton, that there live north of the Strand—

Barristers - - - - - - - - - -	895
Attorneys - - - - - - - - - -	1,342

	Barristers.	Attorneys.
In the City - - - - -	14	1,270
Temple - - - - - -	1,107	248
Westminster - - - - -	56	200
	1,177	1,718

"So that the numbers largely preponderate against those practitioners who profress to represent the legal profession. Moreover, the interests of the more numerous class are identified with those of the public. They are, as a rule, Common Law Barristers, and carry with them jurors and witnesses, who are seldom seen in Courts of Equity. But the Committee think that it is not on grounds like these that this question must now be decided. We are building for posterity, and for a nation. It is our duty to do what is best for the public at large, in the full confidence that the legal profession will adapt their residence to whatever site may be decided upon, and will not permanently suffer by whatever may be for the general interest of the public. The Committee regret to observe, that the claim which they have just been obliged to disallow has been supported by the circulation among Members of Parliament of plans professing to represent the Carey-street and Howard-street sites, which were found, on examination by a Committee of the Courts of Justice Commission, to be, as Mr. Street had pointed out, extremely inaccurate as to the shape and available area for building purposes on the two sites.

"5. *Expense.*

"The Carey-street site, already purchased, has cost somewhere about 780,000 *l.* Mr. Hunt estimates the cost of the Howard-street site at 600,000 *l.*, including the purchase of the houses on the north side of Howard-street. Mr. Street suggests the purchase of Essex-street for the purpose of widening it, improving the gradients, and making a road from the Railway Station to the Strand. However desirable this purchase may be, the Committee do not regard it as a necessary adjunct to the purchase of the Howard-street site. The expense would be lightened by the sale of very valuable building sites in an improved street, but, even without this, Howard-street would be excellently provided with approaches. Beyond this there is no suggestion of any contingent purchase arising from the purchase of Howard-street. The case of Carey-street is very different. On the north and east Mr. Street is of opinion that all the land which was required for the larger scheme recommended by the Royal Commission will be required. On the west probably less would be wanted for the smaller building. A portion of the property purchased might, perhaps, be resold, though it is impossible to say how much, or whether, when once acquired, there would be a disposition to sell any of it. Old streets must be widened, new ones laid out, all the property between the Courts and Chancery-lane and from the Law Institution to Fleet-street must be acquired. These various expenses Mr. Hunt, founding himself on an estimate by Mr. Pownall, estimates at 1,000,000 *l.*, that is 600,000 *l.* for the purchase of property, and 400,000 *l.* for approaches, an estimate which appears to us by no means unreasonable. But after this expense has been incurred, Carey-street would still be, as to light and ventilation, quiet, surroundings, and approaches,

very

very inferior to Howard-street. As regards the site, therefore, the matter would seem to stand thus:—

	£.
Carey-street site - - - - - - - - -	780,000
Approaches and surroundings, &c. - - - -	1,000,000
	1,780,000
Howard-street - - - - - - - - -	600,000
Saving - - -	£. 1,180,000

"From this, however, some deduction may be made if any of the property be resold. The land between Howard-street and the Strand is estimated to be worth 1,000,000 *l.*, and if any such sum could be expended, it would appear to be much better spent by clearing a portion of this away up to the Strand, than by dealing imperfectly with all the surroundings of Carey-street; on all other sides, with the single exception of King's College, extension is impracticable. This puts a clear and definite limit to the expense which can be incurred. The Carey-street site, on the other hand, has no such limit to its extension. It is almost encompassed by property, the very existence of which is a considerable nuisance, and the tendency to buy up which, within a rather long radius, will be almost irresistible. The buildings on the two sites Mr. Street estimates at 900,000 *l.*, and Mr. Hunt at 800,000 *l.* each; but when it is considered that Mr. Street's plan has not yet undergone the revision of the Board of Works, the two estimates are perhaps not very divergent. It is said that the foundation of the Howard-street Courts will be very expensive. Mr. Street allows 50,000 *l.* for concrete foundations for the whole building; and Mr. Fowler, who has the best practical experience on the subject, thinks the foundations provided for by Mr. Street would be sufficient. Against this expense is to be set the great convenience and cheapness of carrying all the building materials by water, which has been estimated at 5 per cent. on the whole cost of the building. It is urged that against the Howard-street site should be set the cost of reselling the land already acquired in Carey-street, a loss estimated by Mr. Pownall at 440,000 *l.* But Mr. Hunt is in possession of an offer by which the Carey-street site would be taken off the hands of the Government at an ultimate rent at the rate of 3½ per cent. on 780,000 *l.*; and it is very probable that, considering the value which the vicinity of the Law Courts must impart to the estate, better terms may be obtained.

"Upon the whole, the Committee think that the Howard-street site may be acquired, built upon, and provided with all necessary access, for 1,600,000 *l.*; that the Carey-street site cannot be built on and provided with necessary access for less than an ultimate outlay of 2,580,000 *l.*, and that even then the surroundings, air, quiet, light, ventilation, and approaches will be very inferior on the Carey-street site, and will lead to even greater expense hereafter.

6. *Architectural Capabilities.*

"The site north of the Strand offers, undoubtedly, a fine elevated position for a public building; but this is marred by its surroundings. From nearer streets it would be little seen, and as part of a more remote view it would be darkened by smoke, and obscured by the lofty buildings which might be expected to rise to the height of (*e. g.*) Messrs. Smith's warehouses on the south side of the Strand. The building on the Embankment site would be visible from the river, from the Embankment road, from Waterloo, Blackfriars, and Westminster Bridges, and from the Houses of Parliament.

"Your Committee are of opinion that one great incidental advantage of the selection of the Howard-street site will be the facility it would afford for making, at very small cost, a great new artery from north to south just where it is most wanted. The prolongation of Essex-street to Holborn would be very easily accomplished, and would give access to the Embankment roadway at the most convenient point for the whole north of London.

"Your Committee are of opinion that, on the grounds of superior light and quiet, of better access and surroundings, of economy, public convenience, and architectural effect, the Howard-street site is greatly to be preferred to the site between Carey-street and the Strand; and they recommend that the Standing Orders be suspended, and the Bill introduced by the Government be proceeded with without delay."

DRAFT REPORT proposed by Mr. *Goldney*, read a first time, as follows:

"1. YOUR Committee have taken into consideration the matters referred to them, and have examined professional and other witnesses of experience and eminence.

"2. They find that, in 1842, a Select Committee was appointed 'to consider the expediency of erecting a building in the neighbourhood of the Inns of Court for the sittings of the Courts of Law and Equity, with a view to the more speedy, convenient, and effectual administration of justice.'"

"3. Inquiries were renewed, by direction of Parliament, from time to time, and a Royal Commission issued in 1859, whose recommendations all tended to that object.

"4. In accordance with the Report, made in 1860, of the Royal Commission, which included the present Lord Chancellor, Sir J. T. Coleridge, and the late Sir G. Cornewall Lewis, an Act was passed in the year 1865, authorising the purchase of a large area, since cleared, lying between the Strand and Carey-street, and containing 7½ acres.

"5. By a second Act of the same Session the cost of the site to be thus acquired, and of the buildings to be erected upon it, was provided for partly by 1,000,000 *l.* of Stock, standing to the credit of the Suitors' Fund in the Court of Chancery, and partly by a redemption annuity, extending over a period not exceeding 50 years, to be levied by fees on suitors.

"6. The acquisition of the property and its clearance have occupied a period of nearly four years, and the cost of the purchase and clearance has amounted to a sum exceeding 800,000 *l.*

"7. A Royal Commission, dated 29th June 1865, was issued appointing the Lord Chancellor and many of the Judges, and other persons, 'to advise and concur with the Treasury as to the plan and arrangements of the intended New Courts;' and during the period which has been occupied in acquiring and obtaining possession of the site, the Commissioners have, from time to time, recorded their opinion as to the courts and offices necessary or desirable to be provided for.

"8. Under the Thames Embankment Act, passed in 1862, a space of ground lying between Norfork-street, Surrey-street, Arundel-street, and the river, was reclaimed and directed to be set apart for the use of the public as ornamental ground.

"9. Upon this ground, and the space lying between it and the Strand, a scheme was proposed early in the present Session for erecting new Courts of Law and Offices, instead of erecting them on the Carey-street site, acquired under the Act of 1865. This design was subsequently limited to an area comprising the houses and buildings to the south of Howard-street, and about 1¼ acre of the reclaimed land.

"10. Mr. Street, whose plans for the building on the Carey-street site had been recommended by the Royal Commission, was directed by the First Commissioner of Works to prepare a set of plans adapted to the lesser Embankment area, consisting of six acres; and likewise plans on a reduced scale suited to the 7½ acres of the Carey-street site.

"11. Thus the Committee had before them, on the north of the Strand, 7½ acres, forming the Carey-street site, already purchased and cleared, and from which upwards of 4,000 resident occupiers had been removed, and on the south of the Strand, below Howard-street, a site to the extent of 6 acres, about 4½ acres of which are still covered by houses and buildings.

"12. From the fullest consideration of all the circumstances of the case, and of the facts stated in evidence before them, your Committee have come to the following conclusions:—

"13. They are of opinion that the Carey-street site, upon the whole, affords the best opportunity of concentrating the courts and offices in the centre of the great legal district lying between and nearly equi-distant from Lincoln's Inn and the Temple; and that it would be greatly to the public advantage that the site should be adhered to, and the new Law Courts and Offices erected thereon, as sanctioned by Parliament in the Act of 1865.

"14. The evidence received by your Committee has satisfied them that the convenience of the public cannot be separated in the main from that of the legal profession, and that the economy of time which would result from placing the Law Courts in immediate proximity to the chambers of the practising barristers and solicitors, would tend to the direct advantage of the suitors. On the other hand, the placing of the Equity Courts on the Embankment site would, in the judgment of your Committee, be of serious detriment to the public and the profession, and materially diminish, if not destroy, the benefit which has accrued from the transfer of the Chancery Courts from Westminster to Lincoln's Inn.

"15. With regard to facility of access, your Committee are impressed with the conviction that for all ordinary purposes connected with the Courts no great additional expenditure need be incurred should the Carey-street site be adopted; while it desires to call attention to the fact that the increased accommodation likely to be afforded by the Embankment, the river, and the contemplated railway must be taken into account as available, in the case of strangers, for the Carey-street site, to nearly the same degree as for that of Howard-street.

"16. The Carey-street site admits of a building the same size as that proposed to be placed on the Embankment site, with an area available for improved approaches.

"17. The reasons for any improvement that may be desirable upon the north would equally apply if the building were erected on the Howard-street site.

"It

"18. It is alleged that the shape of the Carey-street site presents certain inconveniences, from the irregular shape of the eastern boundary; but your Committee believe that the site may be made available for the reduced scheme without any additional purchases, by a give and take arrangement with Clement's Inn, and that if any additional purchase of ground were found necessary, the cost of such purchase might be met by the sale of a portion of the ground already acquired.

"19. Mr. Hardwick and other witnesses have stated their opinion that no difficulty whatever would exist in securing purity of air, adequate ventilation, and sufficiency of light in buildings erected on either site.

"20. Carey-street, then, being in the opinion of your Committee the most convenient site for the accomplishment of the main objects of the proposed concentration, they proceed to consider whether, with relation either to cost or architectural effect, it would be wise to abandon the present Parliamentary site.

"21. Your Committee have carefully weighed the conflicting statements laid before them regarding the question of cost.

"22. The estimated expense of acquiring the Howard-street site and the widening of Essex-street, which Mr. Street and Mr. Hunt concur in regarding as indispensable, would be as large as that already expended on the Carey-street site as it now stands.

"23. If the Carey-street site were abandoned, a considerable loss must inevitably occur on its re-sale, which Mr. Pownall, Mr. Hardwick, and Mr. Oakley agree in putting as high as 436,000 *l.*

"24. Mr. Hunt, indeed, states in his evidence, that he has been in communication with a gentleman who represents, as he represents to him, some very responsible persons who are willing to take the Carey-street site and lay it out for building purposes at an ultimate rent equivalent to 3½ per cent. on 780,000 *l.*; but that, although the ultimate rent will be 3½ per cent., there must be a period of time when all the rent cannot be obtained, and so Mr. Hunt puts it at 3 per cent.

"25. Even assuming all Mr. Hunt's expectations could be realised, the very least amount of loss which can be calculated on is 34,000 *l.* per annum for four years for interest of money.

"26. Your Committee are of opinion that, in an architectural point of view, a building of the dimensions proposed, standing on the Carey-street site, would, from its elevation, be as great, if not a greater ornament to the metropolis than a building of a similar character placed on the lower level of the Embankment, which, although presenting a fine river front, would not be seen so generally from other parts of London.

"27. Both sites possess great advantages in point of architectural effect, but, upon the whole, your Committee consider that those of Carey-street preponderate. The elevation at which this site stands above the river, equal to that of St. Paul's, is a signal advantage. The irregularity of outline which the area presents at the western side, may, in the hands of an architect of Mr. Street's acknowledged talent, be converted into a means of producing much picturesque effect, while the view of the whole building, including the southern and western façades from the southern side of the Strand, cannot fail to be signally effective. On the other hand, from the increased elevation, the upper portion of the building, with its varied line of roofs and towers, will be conspicuous from the bridges, from many parts of the Embankment, and, owing to the curvature of the river, from the Palace of Westminster. Both sites possess the advantage that their principal façade looks to the south; but the northern façade of a building planted on the Carey-street site will be seen to much greater advantage than the corresponding one of a building placed upon the Embankment. Among the objections which have been offered to the Embankment site, may be mentioned that its line projects 50 feet beyond that of Somerset House to the west, and beyond the Temple to the east, and that the relation of the building, rising from the level of the Embankment roadway to Somerset House, which is placed upon a terrace, would be incongruous.

"28. The evidence has satisfied the Committee that the area already acquired, and which is ready for the commencement of building, is sufficient for the erection of the Courts of Law and the offices contemplated as necessary by the Royal Commission, and provided for by the Acts now in force.

"29. If at any future period additional accommodation should be required, the ground in the neighbourhood of the Carey-street site might be obtained at a much less price than that in the neighbourhood of Howard-street; the latter being bounded by King's College on the one side and the Temple on the other, any extension would have to take the direction of the enormously expensive block of buildings on the south side of the Strand.

"30. Looking at the delay that has occurred since the passing of the Act, and the further suspense that would be unavoidable in obtaining the powers for, and the compulsory purchase and clearance of, another site, and considering that no paramount reasons have been

been submitted to the Committee for a change in the original design, your Committee recommend that the Carey-street site be retained, and that the new Law Courts and Offices be erected thereon."

MOTION made, and question proposed, That the Draft Report proposed by the Chancellor of the Exchequer, be now read a second time paragraph by paragraph—(Mr. *Chancellor of the Exchequer*).—Amendment proposed, to leave out, the words, "the Chancellor of the Exchequer," in order to insert the words, "Mr. Goldney"—(Mr. *Goldney*)—instead thereof.—Question put, "That the words, 'the Chancellor of the Exchequer' stand part of the Question"—The Committee divided:

Ayes, 5.	Noes, 8.
Earl Grosvenor.	Mr. Bentinck.
Sir W. Tite.	Mr. Cowper.
Mr. Layard.	Lord John Manners.
Mr. Chancellor of Exchequer.	Mr. Mowbray.
Lord Enfield.	Mr. Hunt.
	Mr. Beresford Hope.
	Mr. Goldney.
	Mr. Torrens.

Words added.—Main Question as amended put, and *agreed to.*—*Resolved,* That the Draft Report proposed by Mr. Goldney be now read a second time paragraph by paragraph.

Paragraphs 1—25, amended, and *agreed to.*

Paragraph 26, *disagreed to.*

Paragraph 27, amended.

Another Amendment proposed, after the word "advantages," to insert the word "but"—(Mr. *Goldney*).—Question put, "That the word 'but' be there inserted"—The Committee divided:

Ayes, 8.	Noes, 8.
Mr. Cowper.	Mr. Bentinck.
Lord John Manners.	Mr. Watkin Williams.
Mr. Mowbray.	Sir W. Tite.
Mr. Hunt.	Mr. Layard.
Mr. Beresford Hope.	Mr. Chancellor of Exchequer.
Mr. Goldney.	Lord Enfield.
Mr. Osborne Morgan.	Mr. Russell Gurney.
Mr. Torrens.	Earl Grosvenor.

Whereupon the Chairman declared himself with the Noes.

Amendment proposed, to leave out the words, "but, upon the whole, your Committee consider that those of Carey-street preponderate"—(Mr. *Russell Gurney*).—Question put, "That those words stand part of the paragraph"—The Committee divided:

Ayes, 8.	Noes, 8.
Mr. Cowper.	Mr. Bentinck.
Lord John Manners.	Mr. Watkin Williams.
Mr. Mowbray.	Sir W. Tite.
Mr. Hunt.	Mr. Layard.
Mr. Beresford Hope.	Mr. Chancellor of Exchequer.
Mr. Goldney.	Lord Enfield.
Mr. Osborne Morgan.	Mr. Russell Gurney.
Mr. Torrens.	Earl Grosvenor.

Whereupon the Chairman declared himself with the Noes.

Amendment made.—Question put, "That the paragraph, as amended, stand part of the Draft Report"—The Committee divided:

Ayes, 8.	Noes, 8.
Mr. Cowper.	Mr. Bentinck.
Lord John Manners.	Mr. Watkin Williams.
Mr. Mowbray.	Sir W. Tite.
Mr. Hunt.	Mr. Layard.
Mr. Beresford Hope.	Mr. Chancellor of Exchequer.
Mr. Goldney.	Lord Enfield.
Mr. Osborne Morgan.	Mr. Russell Gurney.
Mr. Torrens.	Earl Grosvenor.

Whereupon the Chairman declared himself with the Noes.

Paragraphs

Paragraphs 28 and 29, amended, and *agreed to.*

Amendment proposed, after paragraph 29 to insert the following paragraph,—"There is so much difference of opinion in your Committee, as to the comparative advantages of the two sites in point of architectural effect, that they are unable to report upon that subject"—(Mr. *Russell Gurney*).—Question put, "That the proposed paragraph be inserted in the Draft Report"—The Committee divided:

Ayes, 8.	Noes, 8.
Mr. Bentinck.	Mr. Watkin Williams.
Mr. Cowper.	Earl Grosvenor.
Lord John Manners.	Sir W. Tite.
Mr. Mowbray.	Mr. Layard.
Mr. Hunt.	Mr. Chancellor of Exchequer.
Mr. Russell Gurney.	Lord Enfield.
Mr. Goldney.	Mr. Torrens.
Mr. Osborne Morgan.	Mr. Beresford Hope.

Whereupon the Chairman declared himself with the Ayes.

Paragraph 30, *agreed to.*

Question put, "That this Report, as amended, be the Report of the Committee to The House"—The Committee divided:

Ayes, 9.	Noes, 7.
Mr. Bentinck.	Mr. Watkin Williams.
Mr. Cowper.	Earl Grosvenor.
Lord John Manners.	Sir W. Tite.
Mr. Mowbray.	Mr. Layard.
Mr. Hunt.	Mr. Chancellor of Exchequer.
Mr. Beresford Hope.	Lord Enfield.
Mr. Goldney.	Mr. Russell Gurney.
Mr. Osborne Morgan.	
Mr. Torrens.	

Ordered, To Report, together with the Minutes of Evidence, and an Appendix.

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MINUTES OF EVIDENCE,

Monday, 5th July 1869.

MEMBERS PRESENT:

Mr. Bentinck.
Mr. Chancellor of the Exchequer.
Mr. W. Cowper.
Viscount Enfield.
Mr. Goldney.
Mr. Gregory.
Earl Grosvenor
Mr. Russell Gurney.
Mr. Beresford Hope.
Mr. Hunt.
Mr. Layard.
Lord John Manners.
Mr. Mowbray.
Mr. Osborne Morgan.
Lord Stanley.
Mr. Tite.
Mr. Torrens.

THE RIGHT HON. LORD STANLEY, IN THE CHAIR.

Mr. EDWIN WILKINS FIELD, called in; and Examined.

Mr. *E. W. Field.*

5 July 1869.

1. *Chairman.*] WE understand that you were Secretary to the Commission which sat upon the subject of the New Law Courts?—Yes. That Commission is still sitting.

2. How long ago did that Commission begin its sittings?—In the year 1865, immediately after the passing of the Act for the building of the New Courts; and the first meeting was on the 5th of July 1865.

3. Has it sat continuously since that time?—It has.

4. I believe it has not as yet made its report?—No; it has had a report in draft for a year or two, and it has waited until the Treasury said that they thought it was convenient to make it. We told the Treasury two years ago that the Commission would be ready with its report whenever it was thought that it would be convenient to the public service that it should be made; but it was supposed that the most convenient time for making the report would be when the Treasury were passing a Bill through Parliament to carry out the final plans which should be resolved upon.

5. Then the length of time which this inquiry has occupied is not due to the Commission?—It has not been at all due to the Commission, who have been very active. It has been owing partly to the difficulty of the subject, and partly to the uncertainty as to the views of the Treasury and of the other persons interested.

6. You examined various witnesses, I suppose, representing the legal profession?—No; we did not examine any witnesses at all; excepting, that in the first instance there was a certificate required to be given by the Commissioners before any proceedings could take place under the Building Act; and upon that occasion witnesses were examined, but only upon that occasion. At the first meeting several witnesses were examined, and evidence was taken of the sufficiency of the Parliamentary site.

7. What was the precise subject referred to the Commission?—The Commission is rather a long one. First of all, the Act for the purchase of the site enacted that no contracts should be entered into for the purchase of any property until a certificate in writing should have been received by the Commissioners of the Treasury, signed by the major part in number of the Courts of Justice Building Act Commissioners, stating that they were satisfied that the lands to be acquired under that Act, of which a plan had been laid before Parliament, were sufficient for all the purposes of the intended New Courts and buildings connected therewith; and that the probable cost would not exceed the amount of the funds provided in the Courts of Justice Building Act. That preliminary certificate was the first subject-matter which came before the Commission. The Commissioners took evidence upon that, and they gave their certificate, which has been laid before Parliament and printed some years ago. Then there were a good many other subjects which were left to them. They were to advise upon the sufficiency of the lands for the New Courts and buildings, and from time to time to report as to other buildings, and the plans and other legal erections and provisions which would be proper to be made concurrently with and in addition

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addition to the courts, which up to that time had been the subject-matter of the Act of Parliament, and of the reference. They were to report as to the future custody of the courts, and as to the formation of some board or bench to take care of them. They were to report upon what consolidation of offices should take place. They were to report as to the many changes in legal practice which would have to be made in the law, in consequence of the concentration of all the courts in one block. They were also to report upon ways and means, and upon fees to be levied upon suitors for the building of the courts. I suppose I need hardly state that the scheme of the two Acts for building the courts was, that the funds should be provided by the suitors, and not out of public funds; and the Commission were to report in what way that could best be done.

8. As I understand it, the question of the concentration of the Courts of Justice was not referred to the Commission, but it was taken for granted?—It was declared by Act of Parliament that that should be carried out.

9. Nor had you to consider the question of a site?—Not at all. The Commission, of which I was a servant, were to consider in what way certain courts should be placed, and the most convenient arrangement, and Parliament, in the passage of the Bill through Parliament, added to it a provision that no court should be built until the plan had been approved by this Commission who were to represent the law and legal wants.

10. Mr. *Chancellor of the Exchequer.*] Of what section are you speaking now?—All the sections of the Acts of Parliament which bear upon the duty of the Commission are very fully recited in the Commission.

11. What is the section according to which nothing was to be done without your approval?—The 4th section of "The Courts of Justice Building Act, 1865." I will take the marginal note first: "Plan of building, and arrangements for care and maintenance of the building." "The plan upon which the said buildings shall be erected, and the necessary arrangements for the proper and convenient accommodation of all the courts and offices to be provided for therein, and for proper accesses thereto" (that was added in Parliament), "shall be determined upon by the Treasury, with the advice and concurrence of such persons as Her Majesty shall think fit to authorise in that behalf; and after the completion of the said buildings Her Majesty may, by Order in Council, from time to time nominate and appoint such persons as she shall think fit, with such powers to superintend and regulate the said buildings, and to provide for the proper care and maintenance thereof, and also (if it shall be found necessary) to vary from time to time the internal arrangements of the said buildings, and the purposes to or for which any part thereof may be used or appropriated, as to Her Majesty shall seem proper and expedient." The Commission were to approve of the plan, and they were to advise Her Majesty what sort of body ought to have the ultimate custody of the building; because it is very obvious that some one would have, from time to time, to remove the judges and officials from one court to another, and there might be a great deal of jealousy in this sort of movement.

12. The words "they were to approve of the plan" are not in the Act, are they?—Yes, the first part of the 4th section says: "The plan upon which the said buildings shall be erected, and the necessary arrangements for the proper and convenient accommodation of all the courts and offices to be provided for therein, and for proper accesses thereto, shall be determined upon by the Treasury, with the advice and concurrence of such persons as Her Majesty shall think fit to authorise in that behalf."

13. The words "approve of the plan" are not in the section, are they?—No; the words are: "which shall be determined upon by the Treasury, with the advice and concurrence." Approving the plan was supposed to be the way in which they were to give advice.

14. The words are not there, are they?—No.

15. *Chairman.*] Was it considered, when the Commission first began to sit, that the Carey-street site had been decided upon?—Yes; the two Acts together provide means for purchasing a particular site defined in particular maps and plans which had been deposited in the usual way for the purchase of lands. The Office of Works had previously deposited their plans and given their usual notices, and that Act was passed. This Act, to which I am now referring, was to enable buildings to be put upon that site.

16. Then you had nothing to do except to consider how to make the best of that site?—And to consider what should go upon it. It was supposed in Parliament (and the Bill was altered in consequence of that supposition) that the scheme which the Government brought before Parliament would have to be enlarged; for instance, there was no provision made in the original scheme for an Appellate Court; it was supposed that it might be very desirable to have some Appellate Court.

17. Do I understand that the exact limits of the site were fixed for you, or had you any discretionary power as to diminishing or increasing the area of the buildings?—We had nothing to do with the site at all, more than to settle what was the best building to put upon it; and if the site were to be altered at all, as the Commission soon found it should be, all they could do was to report to the Government what they thought; and it was for the Government to make any change if they thought fit.

18. Did the Commission, in the course of that inquiry, come to the conclusion that the site already appropriated was not sufficient?—That it was not sufficient for the additional courts and offices, and the future extension of the law to the extent to which the Commission thought that provision ought to be made; and in that view the Treasury concurred.

19. Mr. *Layard.*] I understand that the acreage of the original site was determined by the deposited plans before the question was referred to the Commission; was that so?—Yes.

20. And therefore the Commission only had to deal with a certain site, which was limited by the deposited plans?—Yes; and which was not very convenient in shape.

21. *Chairman.*] Did it afterwards appear to the Commission desirable that provision should be made for a larger amount of buildings than had been contemplated in the original plan?—They thought it was necessary if the New Courts and offices, which they reported it to be proper to make a provision for, were to be included.

22. Do you recollect what was the precise amount of acreage in the original plan?—It is measured on the Ordnance map as seven and a-half

half acres; it has been no part of the business of the Commission to look nicely to acreage; they have been looking at the offices which were to be put thereon, and to the best distribution of those offices. The part marked yellow on the Ordnance map is the exact quantity of land which was included in the Government Bill, and it is all that has been up to the present time purchased by the Government. It will be seen that the land comes rather up to a point on the north-west, and that has been the difficulty which all the architects have found.

23. It is not rectangular?—No, it is very much longer at the top; even the most extended plans which have been before the Commission do not propose, I believe, to use the land quite up to that further north-west corner.

24. Mr. *Layard.*] I understand that besides being limited to an actual area for site, the Commission were limited to a certain amount for the expense of acquiring that site, and for building; was that so?—The Commission had nothing to do with either acquiring the site or the cost of the building; they were only to design a plan, and it was for the Office of Works or for the Government to find out what it would cost.

25. But I understand that the Commission under the Act were to give a certificate that the site was to cost 750,000 *l.*, and that the building was to cost the same?—That was for the objects which were in view by Parliament and the Government at the time the Act was passed, but not for enlarged objects or accesses; the accesses were added afterwards; the certificate does not apply to the accesses.

26. But I want now to limit you to the original step first taken by the Commission; that step consisted, I understand, in giving a certificate that the site would cost 750,000 *l.* and the building 750,000 *l.*?—Exactly.

27. And they were required by the Act to give that certificate, were they not?—They were; the certificate is in the minutes of the Commission.

28. Will you be good enough to produce that certificate?—The original certificate was given to the Treasury, I have only a copy in my minutes; this is a certificate which was given after the evidence (*handing in the same*).

29. May I ask you upon what evidence that certificate was given? — The evidence is not printed in our Commission minutes. The short-hand notes of it were furnished to the Treasury, and, I think recently to the Office of Works, but I have not brought them with me. There were several witnesses examined; there was, I think, Mr. Pennethorne, and, if I remember rightly, Mr. Abraham, who had prepared plans previously by the direction of the Lord Chancellor or the Government, and there was Mr. Waterhouse, who built the courts at Manchester, and I fancy another witness or two; but the exact answer I would give on a future occasion if the Committee wished to have it, when I have had the short-hand notes of the evidence before me; it is now four years ago.

30. I understand that you have been secretary to the Commission from the very first?—Yes, I have; this was the commencement, this was their first Act.

31. And you are perfectly acquainted with all its proceedings?—Yes, but it is four years ago.

32. But surely that first step in giving the certificate was a very important one, was it not?—Yes, certainly.

33. Are you not aware upon whose evidence the Commissioners were led to give that certificate?—I should not like to state positively at four years' interval who the witnesses were.

34. Did not Mr. Abraham make very full and detailed plans?—Yes, he had done so some years previously.

35. So fully, that he made a claim, I think, for no less than 3,135 *l.* for his expenses in preparing those plans? — That I know nothing about. I know that he made the plans, because the Government paid for them, and placed them in the hands of the Commission, and we have them, I think, now. The quantity of accommodation which the Commission considered they were bound to find, and which the land would afford, was determined upon the contents of Mr. Abraham's plans. What may be called the schedule, or index, to Mr. Abraham's plans, gave the quantity of accommodation which the Governmet then considered that they were bound to buy a site for; and upon the Commission being satisfied that there was room for that accommodation upon the site they then gave the certificate, and added to the foot of it a minute, signed by Lord Cranworth, who acted as chairman of the Commission, stating that the certificate they had to give was only to show that the land was sufficient for the scheme as then before Parliament, and not for any accesses or extensions of that plan which might become necessary under the provisions inserted in the Act during its passage through Parliament, which required the Commission to consider, and report, and concur with the Treasury as to putting other legal offices and legal buildings within it, such as the Appellate Courts.

36. But what I wish to know is this: the Act required that a certificate should be given as to building and as to site, and that that certificate should certify that the expenditure upon the site should be limited to 750,000 *l.* and to the same sum upon the building; upon what evidence did the Commission give the certificate, both as regards buildings and the site? — My answer to that is, that I request the Committee to allow me to attend another time, and bring the evidence with me. I would rather not speak upon mere memory at this distance of time. Excepting to make a copy for the Office of Works, I have not looked at it from that time until now. As the Committee will see, there were Lord Cranworth, Mr. Gladstone, Chief Justice Cockburn, Sir William Erle, Vice-Chancellor Kindersley, Vice-Chancellor Stuart, the present Lord Chancellor (then Vice-Chancellor Wood), Baron Martin, Mr. Keane, Mr. Southgate, Mr. Bennett, Mr. Manley Smith, all Masters of the Courts of Common Law, Mr. Rogers, Registrar, Mr. Justice Mellor, Mr. Justice Montague Smith. The Right honourable W. Cowper, Sir Roundell Palmer, Sir R. Phillimore, Mr. John Young, Dr. Bayford, Mr. Rothery, Mr. Williams, Mr. Anderson (of the Treasury), Mr. Hume, the Taxing-master, Mr. Cookson, and Mr. Walton, the Master of the Exchequer. All those gentlemen formed the body who examined witnesses, and who satisfied themselves and gave and signed the certificate.

37. We do not doubt the fact of the certificate having been given, but upon whose estimates was that certificate given; have you reason to believe

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believe that Mr. Abraham was the chief adviser as regards the architectural part? — No, I think not. If you will allow me to bring the minutes they will speak for themselves; you are asking me as to the contents of a writing at four years' memory.

38. Do you also forget who gave the estimate as to the probable cost of the site upon which the certificate was founded?—I am not certain; but unless there is any special reason for pressing my memory, the answer can be accurately given if you will allow me time.

39. Can you tell me where the plans of Mr. Abraham are?—They are either with the Office of Works or at Kensington.

40. Are you aware whether Mr. Pennethorne also prepared a plan?—Yes, he did, certainly.

41. Was that produced before the Commission? — It was produced before them at this meeting.

42. Is that plan with the Commission now?—I think not. I think it never came into the hands of the Commission.

43. Did those plans of Mr. Abraham's and Mr. Pennethorne's show the courts on a level with Carey-street?—I do not recollect. If I remember rightly, Mr. Pennethorne's was all on the level of the ground. I do not think there was any upstairs, but this is a mere vague recollection on my part.

44. Are you aware whether 500 *l.* was paid to each of the architects for their plans?—Do I understand that you mean the plans which were laid before the Commission at the first meeting?

45. I mean the plans upon which the certificate was founded?—The Commission had nothing in the world to do with it, but Mr. Abraham's plans were found valuable, and at the request of the Commission the Treasury paid him something (it might have been 500 *l.*) for them, and they were very useful in preparing the instructions for the architects. In fact, they were extremely valuable plans, as the first starting-point of an idea as to laying out the works.

46. I believe that Mr. Waterhouse was appointed architectural clerk, was he not?—He was early in the time.

47. He afterwards resigned, did he not?—He afterwards resigned on an intimation that if he remained in that position he would not be allowed to compete.

48. Who was next appointed architectural clerk?—Mr. Burnet.

49. Do you know upon what grounds he was appointed?—I made inquiries for a good man, and Mr. Drake or his partner was the principal person who recommended Mr. Burnet to me, and I have been most highly satisfied with him.

50. Is he an architect by profession?—Yes; he is here, I think, and he will tell you what his previous occupations were, but he had been an architectural clerk or assistant in the General Land Drainage Company.

51. How long had the Commission sat when they gave that certificate?—This was the first day's sittings. On the 5th July they met and took evidence. The very first thing they did was to take evidence as to the sufficiency of the site and the probable sufficiency of the funds; a certificate under the 19th section of "The Courts of Justice Concentration Site Act" was agreed to by all the Commissioners present, and signed, and ordered to be transmitted to the Treasury.

52. That, I understand you to say, was drawn up upon the first day of their meeting upon the evidence then submitted to them?—Yes; they took evidence at considerable length; they were an hour or two at work before they gave that certificate. The first question was, whether they were bound to certify that there would be room for all future courts, and for such extensions as might be hereafter found necessary. That seemed to them impossible. All that they considered could be meant was, that they must show that there was enough to carry out the plan which had been before Parliament; and at the foot of the certificate was a memorandum, written to state, that they gave that certificate upon that basis, and upon that construction of the Act.

53. Do I understand you to say that the 750,000 *l.* for the building, and the 750,000 *l.* for the site was not at that time contemplated to include any expenditure for access and for clearing away the surrounding buildings?—No; perhaps I might read the paper which accompanied the certificate, because it is the correct and legitimate answer to the Right honourable Member's question. There were two Acts, one to buy the land, and the other to arrange for the building upon it. Of the Building Act I have read the 4th section. The 19th section of the Site Act says: "No notice shall be given of the intention to take any property under this Act, nor shall any contract be entered into for the purchase of any property until a certificate in writing shall have been received by the Commissioners of Her Majesty's Treasury, signed by the major part in number of the persons appointed by Her Majesty under 'The Courts of Justice Building Act, 1865,' to advise and concur with the Commissioners of Her Majesty's Treasury, with reference to the plan and arrangements of the buildings to be erected upon the lands hereby authorised to be taken, stating that they are satisfied that the lands to be acquired under this Act, of which a plan has been laid before Parliament, are sufficient for all the purposes of the intended New Courts and buildings connected therewith, and that the probable costs of the said lands and buildings will not exceed the amount of the funds provided under 'The Courts of Justice Building Act, 1865,' for those purposes." That certificate was given, and then at the foot of it, the following minute was agreed to, signed by the chairman, and ordered to be entered on the minutes of the Commission, and a copy transmitted to the Treasury, "In dealing with the subject referred to them by the 19th section of 'The Courts of Justice (Site) Act, 1865,' the Commissioners have considered that the buildings coming within the scope of that clause are those of the Superior Courts of Law and Equity, the Probate and Divorce and Admiralty Courts, with their offices, and also the Land Registry Office. They believe that the means provided are sufficient to enable the erection of buildings sufficient for the accommodation of the Bankruptcy Court and any other offices likely to be added; but they have not considered the Act of Parliament requiring them to take this court, or those possible and prospective, but not necessary additions, into account. In estimating the probable cost of the intended new buildings, the character of the materials to be employed, and the amount of architectural decoration, particularly of the exterior, are necessarily of great importance, and according as more or less costly plans may be adopted the expense will of course be greater or less,

less, but any excess of expenditure which might be the result of the deliberate adoption for the sake of architectural effect, of plans or materials unnecessarily costly, is of course incapable of being calculated beforehand; and the Commissioners have thought it most consistent with the nature and objects of the duty now imposed upon them to inquire whether the proposed buildings can be erected with a reasonable regard only to architectural beauty and appearance, as well as internal accommodation and convenience, with the means provided by Parliament, which means they understand to be such part of the total sum of 1,500,000 *l.* as may not be required for the purchase of the site, or for providing proper furniture and accesses, according to the 3rd section of 'The Courts of Justice Building Act, 1865.'"

54. Mr. *Russell Gurney.*] The word "accesses" is there, is it not?—Yes, but they did not certify about accesses; they were not required to do so.

55. I understood that in making the certificate they stated that that was their understanding?—They thought there would be enough, but they have not included it in their certificate; that memorandum was not the certificate; that was signed only by the chairman as explaining the certificate which had been signed by the Chancellor of the Exchequer, among others.

56. Mr. *Goldney.*] I believe that there is a separate clause in the Act with regard to accesses?—Yes, there is.

57. Giving a permissive power and not a compulsory one?—Yes.

58. Mr. *Layard.*] Did the Commission contemplate the possibility of further sums being required for accesses?—Certainly they thought it might be possible; a provisions for tunnels had been inserted as the Bill went through Parliament, if I recollect rightly in the 14th section: "The Commissioners may, for the purpose of improving the approaches, or of providing convenient roads, bridges over, or tunnels under streets, or other modes of access to the proposed Courts of Justice and the offices connected therewith, acquire by purchase or otherwise any lands or interest in lands or easements, and for the purposes of such acquisition the said Lands Clauses Consolidation Act shall be deemed to apply, with the exception of so much thereof as relates to the purchase of lands otherwise than by agreement."

59. Did that include approaches to the site by streets from the north, east, and west?—If the Commissioners thought it essential to the completion of the works.

60. Mr. *Chancellor of the Exchequer.*] Are the Commissioners the Commissioners of Works who are spoken of in that section?—Yes.

61. It is not the Advising Commission?—No.

62. Mr. *Layard.*] Can you state when the Commission considered it necessary to increase the expenditure above 750,000 *l.* for the site?—The first movement for increase came from the Treasury to the Commission. The very first proposal to buy more land than was included in that map (*pointing to a map on the wall*), was a proposal made to the Commission emanating from the Treasury and the Office of Works, and by them sent to the Commission for their views upon the subject.

63. Mr. *Beresford Hope.*] At what date was that?—It is the 8th of December 1865, a letter written by Mr. Childers.

64. Mr. *Layard.*] Is that in the minutes of the Commission?—Yes, at page 37; Mr. Childers was then in office at the Treasury, and, in fact, had more to do with the whole arrangements connected with the land than any person whatever; he acted as deputy-chairman of the Commission afterwards for, I think, a year. The beginning of his communication I think with the Commission was this letter: "I am directed by the Lords Commissioners of her Majesty's Treasury to acquaint you that my Lords have had under consideration a proposal which has been made by the First Commissioner of Works for the purchase of a plot of ground in Carey-street, which is considered necessary to the formation of proper approaches to the New Courts of Justice. The price demanded is 18,600 *l.*, towards which the Incorporated Law Society is willing to give 5,000 *l.*, the Metropolitan Board of Works 5,000 *l.*, and the District Board of Works 1,600 *l.*, leaving 7,000 *l.*, which it is proposed shall be granted from public funds. I am to state that my Lords are disposed to assent to the purchase, but on the condition that the amount required will be considered as a charge on the vote of 700,000 *l.*, taken in the last Session of Parliament for the purchase of the site for the New Courts of Justice; but before coming to a final decision my Lords request that they may be furnished with any observations which the Courts of Justice Commissioners may wish to make on the subject."

65. Can you tell the Committee where that piece of land was?—It is the widening of the further end of Carey-street, towards Chancery-lane.

66. Mr. *Russell Gurney.*] Is it opposite the new bank?—Exactly. I think that probably the lines upon the Ordnance map will show you the point.

67. Mr. *Layard.*] It is the north-east corner, is it not?—It is between the north-east corner of the site and the Rolls.

68. Mr. *Osborne Morgan.*] It is just opposite the Union Bank, is it not?—It is.

69. Mr. *Layard.*] Do you state to the Committee that that was a suggestion coming from the Treasury and from the Commissioner of Works without any previous suggestion on the part of the Commission?—Certainly, entirely so. I do not think that the Commission ever heard of it until that letter came; and the answer of the Commissioners was, that they thought that it was desirable, but that in making the purchase, and in widening Carey-street, "It is desirable that reference should be had to the following subjects: (1.) That the quietness of the Carey-street front of the New Courts should be preserved, as far as it reasonably can, by the regulation of the traffic. (2.) That the intended bridge may be erected over Carey-street, from Lincoln's-inn to the New Courts, and that a subway may be constructed, if necessary, through the said piece of ground, and under Chancery-lane to the Rolls. (3.) That the Commission considers it has not power to take any part in, or to offer any opinion upon the application of the funds voted by Parliament."

70. I understand, then, that this piece of land was merely required in order to improve the access to Chancery-lane?—Yes. "(4). That the purchase money of the piece of ground referred to was not included in the estimate on which the certificate of the Commission of the 5th day of July last was based."

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71. At that time was the Law Institution contemplating a building on that site, or an increase of their building?—I suppose if they gave money for it they must have been contemplating something of the kind, but I had nothing to do with the negotiation. In fact, the Commission had nothing to do with the purchase, as this minute says. The Law Institution at that time owned most of the frontage northwards to the new street, which was widened.

72. Then after this certificate had been granted, and this further expense incurred, I believe instructions were drawn up for those architects who were to compete for plans and elevations?—Yes; that came on in course of time.

73. Who drew up those instructions?—Mr. Burnet's was the hand which ultimately drew them up. The first step towards it is in page 15 of our minutes. I was desired by Sir Roundell Palmer, then Attorney-General, to consider and draw up a memorandum for the consideration of the Commission as to the *modus operandi*, and I say, "It would seem clear that the only way in which the Commission can itself effectually consider, or usefully report and advise (as the Acts of Parliament require), upon the plans and arrangements of the New Courts and offices, and the proper accesses thereto, is by having drawn up, under their instructions, proper floor or block plans and sections of the buildings and arrangements they advise, showing not only the quantity of courts and rooms, and space required, but also their proper collocation in the buildings; plans which would be improvements upon the ground plans produced by Mr. Abraham at the first meeting. They would be, of course, mere floor maps, and would contain no kind of architectural design or elevation." The mode which the Commissioners took preparatory to the preparation of the Book of Instructions to Architects was to examine carefully Mr. Abraham's plans, to begin to make out new lists of all the offices, to examine officers and others, and to satisfy themselves how far the contents of Mr. Abraham's maps were really consonant with what the public interest required, and it ultimately took the shape of a Book of Instructions.

74. Was that done by a committee?—By committees constantly meeting; we had sub-committees constantly meeting.

75. Was it called the Requisition Committee?—The Requisition Committee was a committee to examine the claims of all the different officers of the courts for accommodation; every officer of every court sent in a claim for so much accommodation.

76. I understand that the Requisition Committee sat, and the instructions to the architects were drawn up by Mr. Burnet?—Yes; but by the Commission also; they were engaged on it for a very long time.

77. Will you hand in a copy of those instructions?—Certainly; they have been laid before Parliament and printed. The first proof was issued on the 6th of February 1866, the revise on the 26th February 1866; the second revise on the 12th March 1866, the third revise on the 23rd March 1866; and it was finally settled and signed by the Lord Chancellor, as chairman of the Commission, on the 17th April 1866. During that time all the Commission and almost all the officers of the Commission were engaged in looking it over.

78. Mr. *Goldney.*] In addition to this committee there was a sub-committee of solicitors and a sub-committee of counsel, was there not?—There was; there were a good many committees appointed.

79. Mr. *Layard.*] Did the instructions contemplate a large increase in the amount of accommodation to be given?—A considerable increase; I can produce a table which will show what are the changes which have been made by those instructions, as compared with Mr. Abraham's first plans.

80. What was the date of those instructions?—They were issued to the architects I think on the 17th of April 1866; that was after six weeks' work, and very hard work.

81. Then between the time when they issued the certificate upon which they obtained from Parliament the power to proceed, and the time of issuing those instructions, they found that a very considerable increase was necessary in order to give the necessary accommodation to the courts; was that so?—The increase was not necessary for the courts which were originally comprised in the scheme of the Government, but it was necessary for the accommodation of additional courts, such as the Appellate Courts, for instance. At one of the early meetings of the Commission that matter came forward, and the question was considered, whether there should be any provision made for such a contingency as the possible future fusion or union of our two ultimate Courts of Appeal; and whether, in that case, their sittings would be within this building, and the matter was discussed at considerable length.

82 But how is that consistent with the terms of the Act of Parliament, which expressly limit the whole expenditure to 1,500,000 *l.*?—It limited the expenditure for the scheme then before Parliament to 1,500,000 *l.*, but not for any extension of that scheme which might be found advisable. The Treasury had themselves proposed to buy other land, and had themselves passed an Act to authorise the extension of the scheme by the purchase of that land. There was a subsequent Act passed to make it quite clear that the funds already voted might be applied for the purchase of lands other than those which were within the original schemes laid by the Government before Parliament.

83. Mr. *Russell Gurney.*] It is stated in the preamble of the Act to which you refer, that the Courts of Justice Commissioners have advised the Commissioners of Her Majesty's Treasury, that it is desirable that part of the money should be appropriated to other purposes; have you a copy of any communication which you made to the Treasury containing that advice?—I think it is at page 41: "That the Secretary do further inform the Treasury that the Commission do think it very desirable to purchase the plot of ground on the east end of Carey-street; but that in making such purchase, and in widening Carey-street, it is desirable that reference be had to the following subjects: (1.) That the quietness of the Carey-street front of the New Courts should be preserved as far as it reasonably can by the regulation of the traffic. (2.) That the intended bridge may be erected over Carey-street from Lincoln's Inn to the New Courts, and that a subway may be constructed, if necessary, through the said piece of ground, and under Chancery-lane to the Rolls. (3.) That the Commission considers it has not power to take

any

any part in, or to offer any opinion upon the application of the funds voted by Parliament. (4.) That the purchase-money of the piece of ground referred to was not included in the estimate on which the certificate of the Commission of the 5th day of July last was based."

84. Was that the only communication which you made before the passing of the Act of 1866? —Yes; but after the Act passed, we made another communication. There was no provision made in the Act which the Right honourable Member has before him about the securing of quiet or any control over the traffic. The Commission pointed out this omission to the Treasury; but it was not rectified.

85. I was only asking what were the communications previous to the Act?—I have read one, and I am aware of no other.

86. Mr. *Layard.*] I think that in 1866 it was contemplated by the Commission to purchase an additional site at a cost of 448,000 *l.*?—The Commission had really nothing to do with the cost.

87. Were not plans deposited in 1866 for acquiring additional land?—I think there were; but the Commission had nothing to do with the deposit of the plans.

88. But was not a Bill introduced in the Session of Parliament in 1867, and afterwards withdrawn?—I only know what has taken place between us and the Treasury. I, of course, have known about the Bills, but the Commission was no party to them.

89. Did the Commission in 1866 ask for an increase of land, and upon that demand was not a Bill prepared, and were not plans deposited?—I have no doubt that that was so; but it was done by the Office of Works.

90. But it was done on the recommendation, I presume, of the Commission?—And it was approved by the Treasury. The Treasury took a very active personal part in investigating the matters.

91. Can you produce the recommendation of the Treasury upon which recommendation this Bill was introduced and those plans were deposited?—I see that on the 23rd December 1865, the new purchases which were proposed were discussed with the Treasury in conference with Mr. Childers (Mr. Childers acting for the Treasury), and Sir Roundell Palmer and some other members acting for the Commission.

92. Mr. *Bentinck.*] It would be a few days after Mr. Childers' proposal then, would it not?—"23rd December 1865. Interview of subcommittee (appointed to confer with the Lords of the Treasury), with Hugh C. E. Childers, Esq., M.P., and W. George Anderson, Esq." (who was a member of the Commission, and also an *ex officio* member appointed by the Treasury). "Present: Mr. Justice Montague Smith, the Attorney General, the Sub-committee, the Secretary, the Architectural Clerk. Discussed: The extent of, and mode of, obtaining the concurrence of the Commission and Treasury in the plans and arrangements for the new buildings, as required by the Act. Arranged, that a Treasury minute should be drawn up on these points. Discussed: The question of additional purchases for securing proper accesses and approaches, and rights of light and air, to the new buildings, and the necessity of settling this matter at once, in order to enable the architect to prepare his plans with reference to them."

93. Mr. *Layard.*] Then I understand that this application for additional land was in contemplation before the instructions were given to the architects?—Yes.

94. Then, when the application to Parliament was made, and afterwards withdrawn, in 1866, you had not received the plans of the competing architects?—No, the architect's plans came in in January 1867.

95. Was not the Bill withdrawn, and another Bill prepared for acquiring additional land for site in 1868? — No doubt the Right honourable Member is right; I did not know that I was going to be examined upon the dates when the Office of Works deposited plans, but I can look them out.

96. It turned out that the additional cost estimated in 1866 was not sufficient, and an additional sum was to be asked for in 1869, which amounted to 668,000 *l.*, was that so?—The Commission had nothing to do with the funds.

97. But I presume it was upon the advice of the Commission that the Treasury were prepared to introduce a Bill into Parliament authorising the Commission to acquire additional land?—Certainly, and the Treasury and the First Commissioner of Works looked into the question of funds which was much more their affair than ours.

98. But I presume that the Treasury acted upon advice given by the Commission?—The advice of the Commission was, that if they were to have buildings large enough for all the purposes for which it would be wise for the nation to provide, they must have more land; the advice of the Commission, and most emphatically Mr. Childers' advice, was that a good deal of land should be bought which was not wanted for the purpose of buildings and accesses, but which it was very desirable that the Government should hold as landlord; that comes down to 1868. I have here the draft of a letter in Mr. Childers' handwriting: "In proposing to the Treasury to take powers in the Bill for the above land, it being suggested as an economical arrangement in view of the position of the remaining houses, and the probability that they may be at some future day required, when their value will have become greatly augmented, that power to take them may be included, but without any intention to pull them down until required for public purposes, Government becoming landlord." This is written in 1868.

99. But upon what evidence furnished by the Commission were the Treasury induced to prepare the Bill which it would have been my duty to introduce in Parliament, supposing that I had been authorised to do so?—The question of what additional lands were wanted has been under discussion, as the facts stated show, for some years; but the whole matter was, first of all, discussed previously to the architect's competition being disposed of, and then it was thought better to wait until the final plan was approved. Then there was a re-discussion with the Treasury, and ultimately the Bill for which notices were given by the Office of Works was agreed to by the Treasury. It was over a period of years, but the whole of the communications between the Treasury and the Commission as to the purchase of additional lands are printed, and the only plan is for me to give you a reference to each step from the minutes as it took place.

100. The Treasury were induced to prepare a

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Bill, which was to be introduced in the House, authorising an increased expenditure of 668,000 *l.* upon a site; upon what communication from the Commission was the Treasury induced to authorise the preparation of that Bill?—It was not one act. It was a matter of long deliberation between the Commission and the Treasury, during the time Mr. Childers was in office, Mr. Childers acting on their behalf; and after Mr. Childers went out of office, he was nominated by Mr. Disraeli, a Commissioner, he acted as a sort of medium of communication between the Commission and the Treasury. The question I have been asked requires that a good many facts should be stated, in order that I may answer it correctly and fully.

101. Mr. Childers was a Member of the Commission, was he not?—At last he was; but at first, and up to the time when Lord Derby's Government was formed, he was acting only as representing the Treasury, and as a Member of the Government.

102. Mr. *Osborne Morgan.*] He was vice-chairman, was he not?—He was. After Lord Derby's Government was formed, it was found that he had such knowledge of the subject, and I suppose there was such confidence felt in him, that Mr. Disraeli came to the Commission (as the Chancellor of the Exchequer has power under the Commission to do), and he and the Lord Chancellor for the time being proposed that he should be added to the Commission, and he was so added; and immediately Lord Chelmsford requested him to act as a sort of deputy-chairman, and he took the control and management of the Commission down to the time of the present Government.

103. Mr. *Layard.*] But you did not answer my question; upon what communication from the Commission was the Treasury induced to authorise the preparation of the Bill to which I have referred?—I am trying to explain that; the Treasury was induced to do so, not so much by any one formal communication from the Commission as by perpetual deliberation and on carefully-obtained information as to the grounds on which the proposed addition was to be made. The first formal communication after that interview of which I have read the minutes, seems to have been a minute of the Treasury, drawn up by Mr. Childers, which will be found in page 49, I think, in the minutes of the Commission.

104. Lord *John Manners.*] The interview was on the 23rd December 1865; what was the date of the Treasury minute?—On the same day.

105. To what additional land does that minute refer?—To none at all.

106. What is the purport of the minute of the 23rd of December?—It was as to the mode of preparing and completing the instructions; and as to the mode of having the competition carried on. The instructions, which were approved equally by the Treasury and by the Commission, expressly state that additional purchases will be made. That must not be lost sight of.

107. Mr. *Layard.*] When was the draft report of the Commission prepared?—At page 156 of our minutes, I think, is the first reference to it. The date is the 2nd February 1867. "Read passage in the Royal Commission, commanding the Commissioners to report to Her Majesty as soon and as often as the same could reasonably be, their several proceedings, by virtue of that Her commission, and their opinion touching the premises. Resolved, That a report be prepared of the proceedings of the Commission up to the present time, and that a committee be appointed to settle such report. The following Commissioners were nominated members of this committee: The Right honourable the Lord Chancellor, The Right honourable the Lord Cranworth, The Right honourable the Chancellor of the Exchequer, The Right honourable Lord Justice Sir Hugh M. Cairns, the Right honourable the First Commissioner of Works, the Honourable Mr. Justice Montague Smith, the Attorney General, Sir Roundell Palmer, Knight, M.P., Hugh C. E. Childers, Esq., M.P., W. S. Cookson, Esq." Then the next step about the report is the resolution of the 8th May 1867: "That the draft proposed report which has been prepared be placed in the hands of each Commissioner; but the question, whether or no a Report should be made at present, is to depend on the resolution taken by the Government as to proceeding with the further purchase Bills this Session."

108. I understand, then, that the draft report was prepared after mature deliberation, but that report has not been presented to the Treasury?—No, it has not been presented; copies of the draft have been given to the Treasury, and in fact some of the members of the Treasury, the Chancellor of the Exchequer and others, nominated as members of the Commission, had copies of all those resolutions.

109. In that report are these words to be found at page 8, paragraph 42: "Besides the courts and rooms which, as above mentioned, appeared to us to be necessary by way of addition to those included in the scheme laid before Parliament, it was further contemplated by Parliament (*see* Site Act, section 14, and the Courts of Justice Act, 1866), and it was by us considered quite essential, that additional purchases of land should be made, not for the purpose of extending the site of the new building, but to secure proper accesses and approaches thereto; and further to ensure that the new buildings might be erected without any difficulty arising with reference to the rights of light, air, and other easements of the surrounding property?—That is in the draft.

110. Does the draft report further go on to say: "A sub-committee, of which the Honourable Mr. Justice Montague Smith was chairman, visited the site and examined the whole neighbourhood with great minuteness. The principal part of the surrounding property consists of old dilapidated houses, which cannot stand many years. Most of the buildings are of a small class, chiefly held on separate titles, and occupying very small areas, and are altogether such, that if separately rebuilt on their present sites, they would not subserve the general legal purposes to which the neighbourhood of the metropolitan Courts of Justice would otherwise be naturally devoted"?—Yes.

111. Therefore, when that draft report was drawn up, it was the opinion of the Commission, was it not, that it was absolutely essential, in order to obtain proper light and air, and the necessary accesses and approaches, that additional property should be acquired around the Carey-street site?—Yes; for the extended building which they had contemplated.

112. How does that appear?—They having settled

settled that it was to be a larger scheme, of course more land would be required about it.

113. I presume that no change has taken place in the property surrounding the Carey-street site since that report was drawn up?—No change has taken place in the way of rebuilding. It is just what it was.

114. It still consists of low, mean, dilapidated houses, does it not?—It is just what it was.

115. Are you of opinion that if Mr. Street's reduced plan of the Carey-street site be adopted, no additional land will be required for light, air, and approaches?—I have not myself considered Mr. Street's reduced plan for the Carey-street site in such a way as to be able to speak to that. It has not been before the Commission in any way. I have only looked at the reduced plan, but I can tell the Committee what I think about it if they think proper.

116. Have you produced any plan of a building to be put upon that site?—No; Mr. Street's plan, which was approved by the Commission, appropriates a part of the Bell-yard block to make a footway from Chancery-lane into certain of the courts, and it would have proposed to build up part of it into chambers to be let off, leaving a way to certain of the courts from Chancery-lane from east to west.

117. Putting aside Mr. Street's plan, do you not think that any building placed upon that site sufficiently large to contain the courts and necessary offices, would require to be cleared around it for light, air, and approaches?—If by "the courts," you mean the courts which are in Mr. Street's reduced plans, I do not think it would.

118. Take any number of courts; would or would not any building occupying the present Carey-street site require the clearing away of the houses around, which you describe to be dilapidated and mean houses?—I do not think it would, unless it was for questions of light; unless there was a chance of blinding ancient lights, and getting into difficulties in that way.

119. Supposing the building to be placed upon the blank space, which is the actually cleared space of the Carey-street site (I will not say on Mr. Street's or Mr. Burnet's plan), will you explain to the Committee how you would get at that building, in the first place, from the north?—I believe one of the greatest delusions is the notion about access being wanted by the public in general; I believe it is a most wild idea, and that is my firm conviction.

120. What is the "wild idea"?—That there will be any great amount of access wanted by the public in general.

121. Do you consider it necessary to have approaches to the building?—I do not think more approaches are necessary than exist now. It was even a question whether, if the courts had been put there, it was wise to widen the end of Carey-street.

122. Supposing that a person were coming from the north of London to a building on the Carey-street site, how would he get there?—I come from the north of London every day to Lincoln's-inn-fields; I get down at Holborn, and I put up my horse (I do not like to drive across Holborn), and I go across Lincoln's-inn-fields, and into court at Lincoln's-inn.

123. I am asking about Carey-street, and not about Lincoln's-inn; how would you get from the north to Lincoln's-inn Fields?—It is the same thing; I am aware of no difference.

124. But when you have got to Lincoln's-inn-fields, how can you get to the south of the Carey-street site?—There are several streets; Serle-street, and others; I go every business-day in my life along those streets.

125. But you cannot ride or drive through the Turnstile, can you?—I never want to ride or drive through the Turnstile; nobody drives to the courts.

126. Supposing that a judge were to live in the north of London, how would he get to his court on the Carey-street site?—He would drive just as he now does to Lincoln's-inn-fields, and then down Serle-street. The judges find no difficulty, I believe, at present, in getting down to Lincoln's-inn.

127. Will you be good enough to point out to the Committee by what streets you get to Serle-street in a carriage?—If I came from the north-west, I should come down the west side of Lincoln's-inn-fields.

128. But how would you get to the west side of Lincoln's-inn-fields?—Along Holborn.

129. But how would you get from Holborn to Lincoln's-inn-fields?—Through Queen-street; there is a vast amount of railway van traffic going along there every day through Lincoln's-inn-fields, because of Carey-street having been widened.

130. You go from Holborn to Queen-street—Yes.

131. How do you get from Holborn into Queen-street?—There is Little Queen-street.

132. What is the size of Little Queen-street?—I do not know; it is a small street, and not a good street.

133. Do you consider that there is a proper carriage approach, such as would be required for a building, like the Law Courts, from the north?—I think it would be desirable to have a better access to the north-west side of Lincoln's-inn-fields, but I think that it is a very great mistake to think that there is any amount of carriage access required worth talking of.

134. But is there, or is there not, a proper approach from the north?—I think there is for any carriages which are likely to go.

135. Will you kindly answer the question categorically?—I cannot answer the question without an explanation. If you ask me whether there is balloon access I can answer the question at once; but for all the carriage access that is required, I think the present streets are sufficient.

136. I simply ask you whether from the north there is a sufficient access?—Sufficient for all the purposes of the law now, if the courts were on the Carey-street site. I do not believe that we should find any great difficulty if the courts were there, as the streets are now. I think those streets ought to be improved, and that they would be sure to be improved; but whether they were improved or not, I do not think it is necessary for the due carrying on of the business of the law.

137. At present I believe only the Equity Courts are in Lincoln's-inn, and not the Common Law Courts?—No.

138. Will you explain how a judge would get from the west to Carey-street?—Along Long-acre, but I very constantly go through the Duke-street archway (which I admit is very inconvenient and very bad) into Lincoln's-inn-fields.

139. Then he would have to go through very small,

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small, bad streets, would he not, until he got into Lincoln's-inn-fields?—Yes.

140. From the eastward, how would he get to the Carey-street site?—Along Holborn: he would turn down Chancery-lane and round this new opening which the Office of Works have made.

141. What sort of street is Chancery-lane?—It carries the railway van traffic up it.

142. Is it not generally blocked by the present traffic?—I would not say that; but whether it is or not, it does not stop our work for the law. I have tried to make out how many of the cabs now going to Lincoln's-inn are going to the courts, and I find that their number is very small indeed, as those that come are almost all going to the offices and chambers of solicitors and counsel.

143. It is to the Common Law Courts that the general public, witnesses, and jurors chiefly go, is it not?—Yes.

144. They do not go so much to the Equity Courts, do they?—They would not go so much to the Equity Courts, for curiosity, as to the Common Law Courts, but there are many more parties to a suit in equity, than to an action at Common Law.

145. Are jurors or witnesses required in the Equity Courts?—There are a few witnesses, but the witnesses almost always come to the solicitor's office, and go with him to the court.

146. You stated, did you not, that on the north, east and west, the approaches are by no means such as they should be?—They would not stop the carrying on of the law as it is now, and if the courts were now on the Carey-street site, we should get on very well.

147. Is the Strand at its narrowest part, where the courts are to be erected?—It is inconvenient now; the number of cabs which we want for legal purposes is very considerable now, because, the courts being at Westminster, we are obliged to take cabs down the Strand to Westminster, but if the courts were concentrated on the Carey-street site, you would do away with a great deal of that requirement of cab traffic.

148. But I thought that you stated that the requirements of the law were so very small?—Just as we have been obliged to come here to-day, with papers and maps in one or two cabs, the solicitor and his clients are now obliged to take two or three cabs to get to Westminster for the law district, but if this Committee had happened to have been sitting in Carey-street, we should not have wanted those cabs.

149. Do you mean to say that the present block in the Strand is occasioned by cabs employed by lawyers?—To a certain extent doubtless that is the case. No doubt any of the leaders of the bar (such as Sir Roundell Palmer, for instance) are a great deal up and down between Lincoln's-inn and Westminster in cabs, and everyone who has much to do with Parliament is a great deal up and down between Lincoln's-inn-fields and the Houses of Parliament; and so far as regards people who come from the Temple to the Courts of Law at Westminster, I have no doubt there are a great number of cabs used; indeed, I know it of my own knowledge; my own clerks and numbers of people go up and down the Strand in cabs constantly.

150. But a great many Parliamentary agents and lawyers and others occupy the south and west parts of London, do they not?—Yes; and they come straight to the Parliamentary district, and have nothing to do with Lincoln's-inn-fields at all.

151. But if all the courts were concentrated in Carey-street, they would all go there, would they not?—No, not the Parliamentary agents; they have nothing to do with Lincoln's-inn-fields.

152. But might they not require to go to the courts?—But that is a very rare occurrence.

153. Have you examined the site commonly called the Howard-street site, on the Thames Embankment?—I have looked at it, and I have seen the maps.

154. Have you considered the approaches to the Howard-street site?—I think that if many cabs had to go there, as far as I understand it, it would be a very inconvenient site.

155. It appears by what you have just stated that you think the convenient approach for the Carey-street site is the Strand; in the case of the Howard-street site, you would have the Strand as the northern approach, would you not?—But I must beg leave to say that you are speaking of access for persons who do not want access. Access is wanted for the lawyers, who are almost the only people who go to the courts; and I cannot help thinking, when you talk about Howard-street, of that access which alone is worth considering. You are using the word "access" in one meaning, and I am using it in another. I am speaking of the access required by people who have legal business to transact at the courts, and you are speaking of an access, which I say is so entirely non-existent that it is quite a delusion to call it by the name of "access." That is my firm conviction.

156. Then, in your view, it is not desirable that the public, as distinct from the lawyers, should come to the Courts?—I think that very few of them do come, and that a great many of those who do come would be better away. We found, with reference to ventilation, that one of the greatest difficulties was the dirty people who sat in the courts all day. If you go to Guildhall, the usher there will show you men who are cracking nuts there all day long, every day of the year, when the courts are sitting, and they are a great nuisance. The old witnesses on this subject as long ago as 1841, in the early Committees of this House upon the subject, told your then Committe that the public need not to be taken into account, that it is quite a mistake to think of the outside public in the selection of a site.

157. Mr. *Tite.*] A plan has been proposed, and is referred to in a Report which I hold in my hand, dated the 21st of June, by Mr. Burnet, in which the diminished space, as shown in the reduced plan, is 475 feet from north to south, and 520 feet in the other direction, which is equal practically to 27,544 yards, and that plan is placed upon the Carey-street site; is that diminution of space obtained by abandoning any portion of the space of the larger plan, or is it obtained by compressing anything in the original requirements which you gave to the architect?—By the abandonment of several courts and by compression also.

158. What was the plan?—If you do not object, I should prefer your asking Mr. Burnet that question, as it was not done under my directions.

159. Does Mr. Burnet know what was originally demanded?

demanded?—He knows quite as well as anyone can know. The wish of the Commission was to know how far the fewer courts and offices which were included in the Howard-street plan could be placed on the Carey-street site without abandoning the quadrilateral system of distribution of offices and courts which had been approved by the Commissioners, and which, even to this day, Mr. Street considers the best. As I understand, that was the object. They wished to ascertain how far, if the internal areas were diminished, and Carey-street was not made so wide, and if in other respects the distances occupied by Mr. Street's approved plans were reduced, you could, without departing from that quadrilateral arrangement which the Commission had thought the most convenient, and which all the officers and people connected with the law had thought most convenient (and which Mr. Street was understood still to think was most convenient), get the accommodation which you wanted on the Carey-street plan, and the plan was made by Mr. Burnet.

160. But you omitted something?—Yes; in the first place, courts were taken off because they have been taken off in the Howard-street plan (*producing the plan and describing the same*). Then it was as difficult to get the judges' corridor running round, as is mentioned in that paper issued this morning; there was another mode suggested of treating Mr. Street's plan, whereby the same set of courts and offices were still put upon the site, and the same quadrilateral arrangement was still adopted. It would seem to our uninitiated non-architectural minds that there would be no difficulty in adopting Mr. Street's admirable arrangement (which I believe is perfect) and applying it to the site.

161. Do you leave out the Registrars?—No.

162. Do you leave out the wills?—Yes, in all the plans that you are comparing the wills were left out.

163. From the moment the large scheme was stopped?—From the moment the large scheme was stopped; every single office is here that is in the Howard-street plan, so far as I know.

164. But my object is to compare what you would have upon this diminished site with what was originally asked of the architects when they competed?—The probate department, that is to say, the wills, and the search place, and the bankruptcy. The appellate and bankruptcy courts are omitted.

165. Nothing else?—Nothing else at all; there are some of the rooms upon this plan which are reduced in size (*further describing the same*). I believe there has been another plan sketched out in which Carey-street is left of the same width as it is opposite the Union Bank all the way through, which plan would leave all the internal areas unaffected; but the Commission wanted to know how far without throwing away all their labours about the quadilateral arrangements Mr. Street's scheme could be made to stand upon that site, leaving the outer blocks of offices and the inner blocks of courts; and I understood him to admit that that quadrilateral system was the most convenient method.

166. How came Mr. Burnet to be employed to modify a plan of Mr. Street's?—He is our architectural clerk, and it was not done by him as an architect, but only as it were to see how far the Chinese puzzle could be put into the box.

167. Mr. *Gregory.*] Are you aware that Mr. Street quite disapproves of this alteration, and that he says it has marred his plan both as to architecture and as to arrangements, and has made it a complete failure?—I cannot say I think that is so.

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168. You gave Mr. Street credit for great ability a short time ago, did you not?—I gave him the fullest credit for the admirable way in which really all the conveniences and necessities of the law are met in that quadrilateral arrangement.

169. Do you now put your architectural opinion in competition with Mr. Street's?—It is not an architectural opinion, it is simply a matter of convenience.

170. Mr. *Tite.*] This plan which I hold in my hand is the plan accepted on the Carey-street site of what might be carried out on the Thames Embankment site, is it not?—Yes, it contains all that the Thames Embankment site contains, but it is suggested for putting that on to the Carey-street site without departing from the quadrilateral arrangement, which has been approved by the Commission, and in outline so far approved by the Treasury of last year as to lead them to direct the further plans to be drawn up upon it.

171. Are you aware that one of the objections pointed out was that the judges will have to go upstairs to their retiring-rooms?—It is to go to their courts; I consider it of the essence of the thing that a court should be upstairs; I do not believe that you will ever have good courts if you do not put them upstairs.

172. Mr. *Layard.*] Are you aware whether a sub-committee, appointed by the Commission, has reported that a plan, previously prepared I believe by Mr. Burnet, is so inaccurate that it ought not to be quoted in evidence?—I was not aware of such a report; if you are speaking of the black spotted plan; I have begged to have, and the Commission have confirmed me in having, a plan perpared which will show with absolute accuracy where all the profession of the law is situated, and which will show the inaccuracy of the black plan so far as it is inaccurate.

173. Mr. *Tite.*] In the reduced plan the judges will have to ascend staircases to their rooms, will they not?—I must beg for an explanation before I answer the honourable Member's question: if it means that there will be stairs between their courts and their rooms, it is not correct; if it means that their courts and rooms will be upstairs, it is correct; on that plan the judges will all go upstairs. The scheme of Mr. Street (and I am satisfied from all I have seen that it is the only scheme that ever should be adopted) places the Courts of Justice on the first floor, and the judges' rooms and their retiring-rooms on the level of the bench.

174. In the altered scheme of Mr. Burnet, is that changed?—Not in the slightest degree in any respect; I think I might put in the map, preparing under my direction, showing the position of the whole of the legal profession in London. It is a most important map, and if I am to give any useful information to the Committee, I ought to have that map in my hand. This map (*producing a map*) truly and absolutely represents the position of the whole of the legal profession (*describing the same*). In these marks there is one stroke for every attorney or barrister, taken from the Law List with the greatest care. It is being extended over the whole of London,

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and that map is as accurate, I believe, as a map can be. The density of colour shows pretty well what is the density of legal population.

175. Mr. *Gregory.*] Does that include the City, or the West-end?—No; we have the same thing done for the whole of London, but there are other sheets at present detached, of which this is a part. In the Index map we are going by tints exactly to show the result of it; but this will show you, without cavil or question, every single man.

176. Who drew up this map?—Mr. Burnet.

177. Was there not a previous map drawn up by Mr. Burnet?—Yes.

178. Was not that map entirely incorrect?—I am going to show you.

179. But will you be good enough to answer my question; was not that map entirely incorrect?—I cannot say that it was entirely incorrect.

180. Was not Mr. Burnet's plan pronounced by the sub-commission to be incorrect?—If you will allow me, I will read what the sub-committee said, and that will be the best answer I can give to the question: That it was incorrect, I can tell you, because now having the absolutely true map, by those red marks I am able to show what was incorrect in it.

181. If you will allow me, I will read you a passage from the report of the sub-commission, and then I will ask you whether that map is, or is not, correct. "That original map (1845) did not, of course, represent the boundaries of the now purchased site in Carey-street, or of the proposed site in Howard-street; and such sites appear to have been inaccurately delineated on the new or reproduced map; for instance, although everyone agrees, and it is so stated on the map itself, that the purchased site in Carey-street contains seven and a half acres, the dimensions of the site, as delineated on the map when measured by the scale upon it, do not produce that result. That map, therefore, cannot be relied upon as an accurate representation of the shape and dimensions of the proposed sites." Is that correct or not?—Quite correct.

182. Have you been instrumental in any way in circulating these inaccurate maps, or is it without your sanction that they have been circulated for the benefit of members of this House?—Certainly not; I have had nothing to do with the circulation of the maps.

183. Then who circulated those maps?—No doubt the Incorporated Law Society; I was out of town at the time.

184. Did they employ Mr. Burnet to draw up this map?—Mr. Burnet gave what help he could.

185. Then who asked Mr. Burnet to do it?——Some of them; I have always told Mr. Burnet from the beginning, and you will see in almost the beginning of the Commission that the orders given to me by Lord Cranworth, who was then acting as Chairman, were: "Nothing that you do is to be secret, you are to invite all the assistance, and give every help you can to everybody." That has been the arrangement we had with Mr. Burnet, and he, having this map, no doubt would give every help he could do to them. Now, I am able to tell you exactly what is wrong in this map. Whether Mr. Burnet made a mistake or not can be of no great moment, but what is true, or what is false, is of the very greatest moment. The Law Institution came to me and said, "Is there any map which shows where the law quarter is?" I said, "Yes. The House of Commons have such a map prepared by Sir Charles Barry, about 1842 or 1843." They asked where they could get it, and I said (you will find it in the Report): "Mind, you will find that a great many of the offices have been moved in the last 20 years, and the map is therefore very inaccurate." The inaccuracies of the original map have been revised to a considerable extent by the reproduction, so far as it is a reproduction. The red marks on this plan (*producing a plan*) are law offices, which ought to have been black, and the blue marks show which of the old black marks are not now law offices. The amount of inaccuracy is best given you in figures. The quantity of places that ought to be marked black, as compared with the quantity improperly marked black, is in the proportion of 99 to 73, and therefore (though I am in no way answerable for that map) no false impression upon the minds of people who looked at it has been produced, and this new map, before the Committee next meet, shall be so dealt with that it shall show you upon the index of it over all London where all the lawyers are. It is that, applied to what I said about the access, that makes me feel that it is all a delusion to think you are to look for access for the general public. It is the people whose offices are marked black,—the law people, who go to the courts, and, so to say, nobody else.

186. But by whose authority was the incorrect map circulated?—The Law Institution circulated it, without a doubt. I was out of town myself. They took the responsibility of it.

187. Lord *John Manners.*] The Royal Commission gave their certificate, as you have told us, and at the time the certificate was given, the ground was sufficient for the courts and offices which it was then proposed to place upon it, was it not?—Quite so.

188. Can you state how many courts and offices have been proposed to be added since the certificate has been given?—It will appear pretty well summarized in the draft report (which has never been issued), to which the First Commissioner of Works alluded. There is a good deal of it altogether, and the question cannot be answered in a word. In the appendix to the part of the draft report, to which the First Commissioner of Works referred just now, which has never been signed, but which I have no doubt is nearly accurate, will be found, in parallel columns, a summary of all the courts, offices, and accommodation, proposed by us to be provided, and the number and area of the rooms contained in the scheme before Parliament; and then it goes on to state at considerable length the general additions and changes from the original scheme that they have proposed.

189. The additions are very considerable, are they not?—They are very considerable. There are a great many improvements in the courts and departments. There are such things as waiting rooms for women, for instance. Our Courts are scandalously deficient in any provision for female witnesses. That is only one instance, and there are a great many other things of that kind. When it was looked over, the Commission felt that it was not decent. One of the judges, I remember, stated some very distressing case of the death of a witness at the Old Bailey, I believe, arising from want of convenience of that kind.

190. Was it in consequence of those additions

that it appeared to the Commission and to the Government, that additional land ought to be bought?—It so appeared to the then Government, and to the present Commission.

191. You have stated that Mr. Childers was made a member of the Commission on the accession of Lord Derby to office; did he continue to act as a Commissioner up to the termination of Mr. Disraeli's Government?—He did: indeed he has not ceased to act now, although he has not attended the Commission since he was appointed a member of the present Government. But I am bound to tell the Committee that there is no other knowledge of the subject, that I am aware of, that is to be put in comparison with Mr. Childers's knowledge; certainly not my own; upon this particular part of the subject.

192. Can you inform the Committee whether, in addition to his services as a Member of the Commission, Mr. Childers acted as a Member of sub-committees from time to time?—He was put on every sub-committee, and attended most of them; in fact, he gave me my orders. During the time that he was acting my work was quite light, for he did my work almost as much as his own; he gave directions about it all.

193. Previously to his being appointed a Member of the Commission, I think you have said that he acted on behalf of the Treasury?—I did; he was the one officer of the Treasury who had the control and management of the affair from the beginning, practically.

194. Therefore, from 1865 up to the present time, in fact, you would say that Mr. Childers is thoroughly conversant with all the proceedings?—Certainly.

195. You have been asked how people would get from the north to the Carey-street site; may I ask you how, in your opinion, they would get from the north to the Howard-street site?—I suppose they would come the same way as they do now to Carey-street, first they cross Holborn and then they cross the Strand and run another risk of being run over. We lost one of the principal officers of the Court of Chancery a short time ago by similar means, in Chancery-lane, from his being run over.

196. The Howard-street site is nearly opposite the Carey-street site, is it not?—Yes.

197. Would it not, therefore, appear that whatever difficulty there may be in arriving at the Carey-street site from the north, must be equally felt with respect to the Howard-street site, with the addition of the crossing of the Strand?—Certainly, with this very great addition, that the access to the courts beyond all possible question is as 90 to 10 from the offices and chambers of the law, and a good half of all this 90 lies north of the Carey-street site; and then when you come to calculate the area of access by the people who want that access, you will find that by going across the Strand to Howard-street, you have marvellously increased the difficulty. It is not a question, I submit, of how one single person, be he a suitor or be he a man who goes from curiosity, gets from, say Euston-square, to either of those two sites, but of how the great bulk and run of people who are always going to and from the courts get there and back. If this Committee would be so good as to refer to all the evidence which was given before Committees of the House of Commons in 1841 and 1842 from some very great and wholly unbiassed people at that day, they will find that the whole view of all the witnesses, I may say without exception, was that the true access to be cared for was the access of the servants of the suitors, *i.e.* of the profession, and that there was no other access worth discussing. I am perfectly certain that it is a great delusion which people have now got in their heads that there are a host of cabs and carriages and such things coming from all parts. It is no such thing. It will be found that for all purposes of public utility, the people who want to get to the Law Courts are professional people; and so said the witnesses in 1841 and 1842.

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198. You have stated that in the reduced plans accommodation for the wills, for an Appellate Court, and for Bankruptcy was struck off; will you tell the Committee how the Royal Commission arrived at the decision to omit those courts?—They have not arrived at any decision to omit those courts. If the Treasury say that they will have them omitted, the Commission cannot help omitting them. They would concur in building the courts which were within the original scheme, because that embraces the infinitely more important part of the concentration; but they have not arrived at any decision that it is wise to omit those courts; and, of course, it is not for me to know what they would say, but I do not think they would say it was wise.

199. Has any communication been made to the Commission from the Treasury that those offices and courts shall be omitted?—I cannot say that there has. The Chancellor of the Exchequer attended the Commission and made an oral statement to them, to the effect that they had indulged in such extravagant ideas that they must stop, or something to that effect. The Chancellor of the Exchequer will say if I am misrepresenting his views. But there has been no official intimation received from the Treasury that they have changed their minds about their old assents and conclusions, and that they will no longer concur in those things, but that they would concur in certain other things. Therefore the Commission have not done anything more than to hold one meeting, as to which it was a question whether it was regular or not; but it was held, as was understood, with the sanction of the Chancellor of the Exchequer, to see what alternative or reduced plans could be suggested for the Carey-street site; and at that meeting that plan which has been before the Committee was produced.

200. Then so far as the Royal Commission know, the materials are not now in existence which will guide this Committee as to the courts which are or are not to be concentrated?—The Royal Commission, I think, at their last meeting, held on the 23rd of June, passed a resolution in which they say that they are willing to concur in the reduced plans for the Carey-street site. This is the resolution: "Change of site and plans.—Referred to former proceedings of Commission on this subject, Min. pp. 276 to 284. Considered Report of Committee appointed to ascertain measurements and dimensions, pp. 277 to 283. Referred to Mr. Street's Report of the 24th May 1869, to the First Commissioner of Works. Inspected Ordnance map of the Parliamentary site, and neighbourhood, on which the architectural clerk had shown, by means of lines and colours, the offices of the law, the chambers of the legal profession, and places of business connected with the law, now existing in a portion

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a portion of that neighbourhood. Moved by Sir Roundell Palmer, and seconded by Vice-Chancellor Sir Richard Malins, '1. That in the judgment of this Commission, the substitution of the proposed Howard-street site for the Parliamentary Carey-street site would be an obstacle to the attainment of the advantages contemplated as likely to arise from the concentration of the courts and offices mentioned in the Act of 1865; and, in particular, that great loss of time and inconvenience would arise to the barristers and others practising in the Courts of Equity by the removal of the courts in which they practise to so great a distance as that proposed on the Howard-street site, without any corresponding gain or convenience to any other class of the members of the profession.' To which it was moved as an amendment, by Mr. Greenwood, 'That the resolution proposed by Sir Roundell Palmer raises a question which is not properly before the Commission, whose functions are to advise and concur with the Treasury upon the erection of Courts of Law upon a defined site, and not to advise upon the eligibility of one site rather than another.' The amendment having been put, was lost by nine noes to three ayes. The original motion was then put and carried by nine ayes to two noes."

201. Mr. *Layard.*] Who were present when that suggestion was made?—Sir John Stuart, Sir Richard Malins, Sir Roundell Palmer, the President of the Law Society, Mr. Rogers, the Registrar, Mr. Benett, Dr. Bayford, Mr. Bliss, Mr. Hume (the Chancery Taxing Master), Mr. Cadogan Rothery, Mr. Greenwood, Mr. Amphlett, and Mr. John Young.

202. Mr. *Chancellor of the Exchequer.*] Who were the minority?—The minority of two were Mr. Rothery and Mr. Bliss. Mr. Bliss is the representative of the Temple, and the Temple Bench, certainly is rather pleased with this Howard-street scheme.

203. Then who were the minority?—The minority of three were Mr. Greenwood, Mr. Bliss, and Mr. Rothery, but Mr. Greenwood would not vote at all on the second division. Mr. Greenwood has a very great knowledge of the subject, and as he is no longer practising in the profession, and is a bencher of the Middle Temple, I cannot help thinking that he would give very valuable evidence upon the subject to this Committee. The other resolution is this: "That it is, in the opinion of this Commission, practicable and expedient to erect upon the Carey-street site already acquired all the courts and offices contemplated by the Act of 1865; and that this Commission are prepared to assent to a plan limited to that object, understanding as they do, that the Lords Commissioners of her Majesty's Treasury do not agree to the extension of that site by the acquisition of any further land."

204. Lord *John Manners.*] That resolution refers to the original plan of concentration, does it not?—They are prepared to assent to the plan limited to the object of the original plan, which was brought in when Mr. Cowper was First Commissioner. No doubt that contains the most practical and important offices and courts.

205. You have had now considerable experience in these matters, will you tell the Committee whether in your opinion it is feasible to erect all the courts and offices contemplated in the original plan upon the existing Carey-street site?—I should have thought that it was decidedly so, but I am reminded (what I do not wish to forget) that I am not an architect; however, my own opinion is that it might be done, and with land to spare, if there was any use in having land to spare.

206. Mr. *W. Cowper.*] You stated that the first occasion upon which the Commission had to consider the amount of accommodation required in the building to be erected, was at their first meeting, when they had to give a certificate, and that then two plans were put before them; one by Mr. Abraham, and the other by Mr. Pennethorne; are you aware whether Mr. Abraham's plan had been prepared previously to the passing of the Bill, and had been generally seen by persons interested in the subject?—Certainly it had; they had been some years about the plans which were brought before the Commission.

207. Do you consider that the amount of concentration which was proposed by Mr. Abraham represented that which at that time was generally considered to be necessary for the purposes of the Bill?—I think it did; it had been prepared after very long consultation with the officers of the courts, and with everybody who was likely to be able to help them; but it had no such things as retiring-rooms for women, and for a great many objects of that kind which are enumerated in the draft report of the Commission, and which, undoubtedly, when one comes to think it over, it was very wrong not to provide.

208. Will you explain to the Committee the steps by which other views were entertained by the Commission; was it not the fact that sub-committees were appointed to go very minutely and carefully into the question of what number of courts, departments, and rooms should be placed in the new building?—Yes, that was so; it is very much to be regretted that the Commission have not made their Report, because they have summarised what they did, the sub-committees into which they divided themselves, and the steps they took. They sent all over Europe, and we obtained from every country the best information which could be got through the Foreign Office, as to the arrangements abroad, and in every direction we inquired what existed, with a view of finding out what ought to be provided. We found, with reference to the courts abroad, I believe, without one single exception, that in every court on the Continent, or, at any rate, every court to which we were referred, as being at all convenient, the judges were all upstairs, the height above the street being about the same as that of the House of Commons from Westminster Hall. I am not aware that there was a single one out of all of the courts, which were called good by the Ministers of Justice of the different countries, where the judge was not placed upstairs, the rooms under him being utilised for waiting-rooms, and such purposes. We got either maps or details of all the best courts in this country, and the judges at two assizes made very particular inquiries at all the assize courts as they went round their circuits, and their clerks and officers, and associates also did the same, in order to find out any convenience, or anything which it seemed desirable to avoid. We obtained, in fact, all the experience which they could get, and over about a twelvemonth we were working very hard in all directions to find out what could be done in the way of a better system than had been heretofore in use; and I have no doubt that those quadrilateral

plans

plans are as perfect as they could be made on the site. I am quite sure that we really knew nothing about it before we collected all this information.

209. Did the Committee take about 12 months for the consideration of this subject?—They took more than 12 months in considering it; because we were considering it during the time that the architects were drawing their plans.

210. Did the Commission, as a whole, approve of the various reports of those committees?—I think they were unanimously approved, as far as I can recollect. There were always very large meetings, as the Minutes of the Commission will show.

211. Were those committees composed of members of the legal profession, or were there other persons upon them not belonging to that profession?—There were a few who did not belong to the legal profession, but not many; the First Commissioner of Works was upon them, and some members were nominated by him; the Chancellor of the Exchequer was upon the Commission, and a member nominated by him, and the present Lord Mayor was upon it. It was thought desirable that there should be some one member of the Corporation, and he was selected as being himself largely engaged in building, and he attended pretty frequently, so far as I remember, and in some of the sub-committees. But every branch of the law was represented: there were three common law puisne judges, the three chiefs, three officers of the common law courts, selected by the three chiefs, there were all the judges of the Courts of Chancery, except the Master of the Rolls, who declined to serve, and I think all the Lords Justices, and a number of the officers of the Chancery Courts, and three solicitors.

212. While those Committees to which you have alluded were considering what would be desirable for the convenience of those who were administering the law, did they also turn their attention to the question of finance or of the area of the sites?—They turned their attention to the question of finance; they were required by the Commission to report in what way the suitors should be taxed to provide the fund.

213. But did they consider what would be the cost of the buildings which they were recommending to be adopted, or did they consider that to be beyond their province?—They considered that beyond their province, and they always requested that the Government would take upon themselves the responsibility of that. They considered it quite within their province to determine in what way the suitors should be taxed in order to provide the money; and they also anxiously considered whether the taxation upon the suitors would be onerous as the purchase money to be paid for the convenience which the suitors would get by having better courts. To that part of the story they paid great attention; and in fact, an Act of Parliament was passed through Mr. Childers, only I think, last Session, which was the result of two or three years' discussion between the Commission and the Treasury, as to the mode of taxing the suitors, and as to the way in which to relieve the suitors, as far as possible, from the burden of having to make this building. That Act was Mr. Childers's Act in fact, and he drew it.

214. Was it the view of the Commission that if their proposals led to an expense much greater than was contemplated when the two Acts were passed, that additional increase of expense would be provided for by taxing the suitors and not out of any public funds?—Yes; they were quite satisfied about it; and they were also satisfied that the arrangement, considered as a buying by the suitors of extra convenience, would be an advantageous one to the suitors. They were satisfied that the suitors would gain by having this taxation put upon them, in having more convenient machinery and in getting the work much more quickly and better done.

215. Did they consider that the future suitors would gain pecuniarily by the concentration of the Courts as much or more than they could lose by the payment of fees?—Certainly, a great deal more. That has been the leading thought all through. They have considered that a very slight acceleration of the business would much more than repay the suitor for the cost which he would be put to in additional fees. That was more considered by the Commission of 1860, when I myself went into a great deal of inquiry, with a view of ascertaining what would be likely to be the additional taxation of suitors, and what per-centage it would be on the cost which he now incurs in the carrying on of his business. I have not the slightest doubt in the world, that if you only give the most convenient building in the most convenient place (and this surely is the dominant idea, what is that which is most for the convenience of the suitors?) nothing can be done but what will be advantageous to the suitors. Speaking as the representative of a good many men who employ me, I am quite sure I should be making a very good bargain in submitting to that tax, if the whole attention was turned to this one dominant thought, the convenience of the suitors, and not to any mistaken ideas as to the decoration of London.

216. So that the Commission were not considering merely the convenience of the legal profession, but the convenience of suitors through the instrumentality of the legal profession?—Certainly; they looked upon the legal profession merely as the workmen of the suitors.

217. You were asked just now about accesses from the north; will you inform the Committee whether it has not been long pressed upon public attention that it would be desirable to open an access to Lincoln's-inn-fields from the north, either by the removal of the houses in Great Turnstile or by Gate-street?—Certainly; that has been talked of. My idea is with Mr. Street as to what is wanted as to access; his views are quite right, I think, as to what is required for the convenience of the neighbourhood; that though it would be very desirable to have a way through Great Turnstile, a road that would come out more by Corbyn's, which would just run on the north of Lincoln's-inn Hall and Gardens, would be more convenient; but, however, that is more for the general traffic, and it would not make much difference to the work of the law.

218. Has not the feeling of the residents in Lincoln's-inn-fields, and persons living in Lincoln's-inn, been rather against the opening of the Turnstile, for fear of bringing an amount of traffic which would produce noise and inconvenience?—I am one of the trustees of Lincoln's-inn-fields, and we claim, under the old Act of Parliament, a right (until it is taken away from us) to stop new streets being made into the Fields; there was a meeting of the trustees, and they

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they decided that they would be quite willing to have an opening made at Great Turnstile if it was in any way guarded; but they are frightened by this great railway traffic that has come in upon them from the widening of Carey-street, and they would not like to encourage any general traffic.

219. Supposing that the Courts of Justice were built either on the Carey-street site or on the Howard-street site, and that it was found that there was not sufficient access for the want of the public on the north, would there not be a pressure upon those who have the charge of metropolitan improvements to open either Gate-street or the Turnstile for the public communications of the metropolis?—That was the view of the Commission; and they have always reported that a number of things might be very desirable, but that they thought they were metropolitan improvements, and not such conveniences as were so important to the suitors that they ought to be asked to pay for them. They rather doubted whether it might not be advisable to propose to throw upon the suitors the cost of opening Great Turnstile; but after great consideration they thought it was scarcely worth while doing it.

220. You have stated that the communications from the north are nearly identical for both sites, Carey-street and Howard-street; are not the accesses from the south nearly identical in both cases?—I should think they were, because I do not look upon the Thames Embankment as being an important access for anybody, except they come from the railway, when it is finished, and that I should think a very doubtful thing indeed in the present state of the Railway's affairs, unless the Government is kind enough to make it for them; but except so far as they must come by railway, they must come over Waterloo-bridge, as a great number of people do now, and then they would have to come up the Strand.

221. Supposing that a person came by railway to the new underground station at the bottom of Norfolk-street, or by steamer to a pier near it, would his access to the Carey-street site be up Norfolk-street?—To the Carey-street site it would probably be up Essex-street, I should think. If the Embankment were made with no buildings upon it Norfolk-street would be used, but I should be sorry, indeed, if that happened. Then I suppose they would come up Norfolk-street, because I understand that by the Embankment Act there is to be an inclined plane, leading to Norfolk-street; but even that street slopes a little too much to the west.

222. But is not the Metropolitan station to be placed very near the bottom of Norfolk-street? That was so by the Acts for the construction of the railway; but I understand from Mr. Street's map, and from general report, that there is some arrangement in contemplation for bringing it nearer to the Temple.

223. Then would the difference between the two sites, as regards the Underground Railway and the steam packets, be just the length of either Essex-street or Norfolk-street, and the crossing of the Strand?—Yes, I suppose it would be; but I should be very sorry to give any of these answers without always qualifying them by saying that I believe very few people will come direct to the courts that way; they will nearly all come from the chambers of the law. We have hunted and hunted and counted in every direction, and we can find very few persons coming from any direction except those who do come from the chambers of the law, and we believe you are providing access for people who do not want it.

224. Earl *Grosvenor.*] With regard to light and ventilation, do you not consider the Howard-street site infinitely preferable to the Carey-street site on those points?—Of course there would be more light and air from the river, and so there would be if the courts were at Kensington, but I think you will destroy a great deal of the chance of future law reform and law improvements if you move the courts to the Howard-street site. It is essential, as Sir James Wigram, and everybody else said in 1841, that the chambers of the solicitors and counsel should touch the courts as nearly as possible; the reason why the Lincoln's-inn-fields site, which was originally thought of, was abandoned, was that it did not come in contact with the Temple as well as with Lincoln's-inn. No doubt when Lincoln's-inn-fields were thought of, Gray's-inn was more alive; I remember seeing a number of barristers in wigs and gowns crossing Holborn when I first came into the profession, but I do not suppose such a thing has been seen these 25 years as a man in his wig and gown crossing Holborn from Gray's-inn.

225. Mr. *Bentinck.*] You are aware in 1859 the Society of Lincoln's-inn, with a view to provide accommodation for the Chancery Courts, offered to advance a sum of 100,000*l.* in building new courts in Lincoln's-inn, and it will also be within your knowledge that the question was discussed before a Committee of this House, of which I myself was a member, and which sat in 1861, presided over by my right honourable friend the Member for South Hants. Mr. Abraham, who at that time was the architect of the Law Courts, was examined before that Committee, and at question 182, I asked him: "I suppose that you considered that the Equity Courts are at least one-fourth of this projected building"? and his answer was: "Yes, I think they would be with their offices." Do you consider, from your great knowledge of this subject, that the answer given by Mr. Abraham to my question was a correct one?—With time I could give you that answer with perfect accuracy. I should think the proportion would be certainly more than one-fourth, but by reckoning up the table of contents we could ascertain it to a square foot.

226. Then, if anything, did Mr. Abraham understate it?—I should say it was more than one-third.

227. You are also, perhaps, aware that that proposition of 1859 has been lately renewed by the Society of Lincoln's-inn?—So I have heard.

228. And that they have presented a petition to this House, which is, I believe, referred to this Committee, and which I hold in my hand; if that proposition of the Society of Lincoln's-inn were adopted, would not the Carey-street site be more than amply sufficient for all that you require?—Of course, it would.

229. Do you see any objection to the adoption of the Lincoln's-inn proposition?—It seems to me that the Judicature Commission in their late report have pointed at the inevitable future of our English law. All we have been doing of late years is to unite, in fact to fuse, the common law and equity jurisdictions, so as to make them all into one great court of judicature, and to give to every judge full jurisdiction, and the duty to complete

complete cases that come before him, and I cannot imagine that that can ever be carried out, unless you put all the courts and offices of common law and equity into one building. In this plan of Mr. Street's we have always had in view the certainty that the offices themselves will be largely fused; that a registrar, for instance, will have to draw up orders for common law as well as for equity, and if you were to separate the courts in the way that the Society of Lincoln's Inn propose, it seems to me that you would throw an obstacle in the way of such a fusion and improvement. If you built them you would before long have to give them up, that is my belief. I think that upon all these law matters we may very well look at America, as generally showing what we are going to do first. In law reform almost all we are doing they have done first. They have been very acute and clever indeed in all their legal doings, and undoubtedly what Lincoln's-inn is now proposing is diametrically opposite to what they have been doing. Certainly you must upset the Judicature Commission's Report if you were to do it.

230. But are there not three courts at least in Lincoln's-inn which are very good courts?—Undoubtedly, you have good courts there; but if you want to have law made into and treated as the one single thing, which it really is, you must not have one court here and one court there. Formerly they were different shops, and every judge made as much in the shape of fees as he could, and they ran in rivalry with one another. That has been in my day. A Committee of this House in 1833 was the first to knock that system upon the head, by saying that they would not have any more fees, but that they would put them all on salaries. All that has been done has been to get rid of this division and dealing out of justice as you deal out a pack of cards, and so to throw it into one great department and judicial establishment, which is to divide the work among themselves according to convenience. The idea of keeping up any separation seems to me altogether so false that I should deeply regret to see it continued. A great deal of suitors' money would certainly be saved by the fusion. The Master of the Rolls' Court is now rather inconvenient, from its being so far away from the others; and if he had not a wonderfully clever staff in his chambers, I do not believe that, with all his ability and rapidity as a judge, the business done in his court would be anything like what it is. I am quite sure that the old Equity Exchequer, which was a capital court, failed because it was removed to a distance. I am satisfied that you must treat law as an integral thing; but the answer I am giving is an answer rather as a law reformer than anything else.

231. First of all, are not those courts close to Carey-street?—Certainly. I think I can save all further answers by saying at once that if you desire to keep up the separation of law and equity, your scheme is the right one, and ought to be carried out.

232. Are not those courts admirably adapted for any civil purpose?—No doubt they are fair courts; but I think the offices of the chief clerks and others ought to be immediately adjoining. I think the clerk of the judge (as Mr. Street's original plan proposes) and every officer of the judge should be so close to the court that really the clerk could be fetched in and out, as the judge wanted him, in a minute; you cannot do that very well at Lincoln's-inn.

233. The three courts to which I referred, and which are made out of the Old Hall and the Vice-Chancellor's Court, are very good courts, are they not?—They are good courts, as far as they go.

234. They would be very serviceable for any civil judge, would they not?—Certainly; if a court was a distinct thing, and if a judge did not want registrars and officers, and did not want a great many other workmen, all of whom help him in his manufactory, so to speak, I should quite agree with your view.

235. I have understood that the offices of the registrars are very convenient, is not that so?—But they are too far away; there is perhaps a long, heavy case, going on before the judge not wanting the registrar; by Mr. Street's quadrilateral plan he could come out of his court into his office, and he could look after any pressing business and go back into his court in a minute when wanted. You cannot do that as the equity courts are now; I cannot entertain a doubt that all the offices of the judges, and chief clerks, and registrar, and indeed all the offices of law, ought to be touching the court, if you care to have your law well done.

236. But you admit that it would save a great deal of money?—I do not deny that at all; but I think it would save it very indiscreetly.

237. Are you acquainted with the Rolls Estate, upon which the Rolls House and the Record Office stand?—Yes.

238. And you know that that estate is bounded on the south by Serjeants'-inn, and on the north by Clifford's-inn?—Yes.

239. Have you ever had before your Commission a proposition to appropriate a part of that estate for the use of the Law Courts?—Our Commission had nothing to do with the site, but we have had to consider it in this way: it seemed to the Commission that it would be very wrong to build the courts in such a way that, in future days, if extension were wanted, there should be no place to which you could go and no facility for getting there; Howard-street has no power of extension. The Rolls Estate was near to this Carey-street site, and that was one reason operating, I think, upon Mr. Childers's mind, and indeed, I should say, upon the minds of all the Commission, why it was so advisable that Government should become the landlord of that bit of land at the south of the Law Institution, and between Bell-yard and Chancery-lane. The Chief Justice of England, at one of the meetings of the Commission, stated that Serjeants'-inn might be considered, so far as regarded common law judges, as really defunct; that they really do not care to meet; that they were distinguished from the whole of the Equity Judges, who continue to belong to their several Inns after being raised to the Bench; that it is of no use keeping up the order of Serjeants; that there would be no difficulty in making Serjeants'-inn, Government property, if it was felt at any future time that any more land was wanted; that the adjoining Rolls Estate and judges' chambers belonged to the Government already, and that putting the courts on the first floor in Carey-street, with a bridge over Chancery-lane, would carry the whole of the business from Carey-street into Serjeants'-inn. The site itself, of course,

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was not considered by the Commission, but it was considered by the Commission of 1860.

240. Was there not a suggestion as regards the part of the Rolls Estate which is now, I think, occupied by the Master of the Rolls' chambers, and which fronts Chancery-lane, and on the south side of the archway into the Rolls Buildings, that at some future time that might be adapted either for the reception of legal records or of wills?—I do not think that was before our Commission. It was only thought that there was a great piece of land which belonged to the Government, which was already dedicated to legal objects, and to which it was very desirable to secure an access, and that that was one reason why it was very desirable that the Government should buy this Bell-yard piece of land; but the question of the use was never before the Commission, nor was it referred to them in any way.

241. That plot of ground would only be available in the event of the Law Courts being built upon the Carey-street site, would it?—No; and it would not be very well available unless the Courts were put (as I am perfectly sure that they must be) upon the first floor, and then a bridge could connect the Courts with the Rolls Estate without interfering with the street traffic of Chancery-lane. As I have stated, we have lost one of the most important officers of the Chancery Court, Mr. Kenyon Parker, within 12 months or so, by his being killed in crossing Chancery-lane. It is much against the Rolls Court, that it is on the east side of the lane, and Chancery-lane is becoming a great thoroughfare now.

242. To what purpose were the lofty towers recommended by the Commission to be erected, and which we saw forming part of all the designs, intended to be dedicated?—To the reception of wills.

243. Are they in the present plan?—No; there are not to be towers. I understand that all the schemes are to proceed on the assumption that Doctors' Commons is to remain where it is for will purposes. The Government have been making very large buildings there lately. I do not know, but I should think 70,000*l.* or 80,000*l.* must have been spent upon the depositories for wills in Doctors' Commons in the last few years.

244. Then the towers would be perfectly useless, would they not?—They would not have been formed unless the wills came there, and they are now proposed to be abandoned; I understand the new scheme is to give up the wills coming to this place altogether, and if so, there are no records to come there. The records of all the courts go almost immediately over to the Record Office in the Rolls, which is close by, and that again is a reason, I should have thought, for putting the courts near the place where all their records are, and will continue to be, deposited.

245. Do you happen to know that the Victoria Tower of this building was fitted up for records?—I have heard so.

246. Are you aware that the attempt to put those records there was a failure?—I was not aware of that.

247. *Mr. Chancellor of the Exchequer.*] I see that in the second resolution carried by Sir Roundell Palmer, the Commission express an opinion that the Carey-street site would contain all the courts and offices contemplated by the Act of 1865?—Yes.

248. And you have also given it as your opinion that it would contain all the offices planned by Mr. Street for the Howard-street site?—I think the substantial scheme of that plan might be adopted; I cannot doubt it, if Mr. Street says it is so.

249. Is there any great difference between Mr. Street's plan for Howard-street and the original plan for Carey-street?—The arrangement is totally different.

250. I am not speaking of the arrangement, but of the number of offices?—The difference, I think, is nothing material.

251. Is it substantially the same as what the Commission approved?—Substantially; I cannot doubt that everything that Mr. Street proposes to put in Howard-street can be put, and is put by the suggested Commission plan on Carey-street.

252. Is it pretty much the same as what was contemplated in 1865?—It is a little more extensive; both Howard-street, and the scheme that is on that rolled-up plan, are a little larger than the 1865 Parliamentary plan.

253. What is the rolled-up plan?—Mr. Burnet's cutting of Mr. Street's plan.

254. The scheme alluded to by the Commission in this resolution is the same thing, is it?—I imagine so.

255. Then may we take it that they are substantially the same, but that there is a little more in Howard-street?—No, rather less; I think there is a little more in both Howard-street and in Carey-street than in the original Parliamentary plan.

256. What construction did the Commission put upon those words, "advise and concur with the Treasury"?—That they were to have such plans, and do all they could to facilitate the making of such plans as they would think would promote the conveniences of the law.

257. But what relation did they think themseves to stand in to the Treasury?—They were to advise the Treasury as to anything the Treasury asked them, and to approve any plans the Treasury laid before them, or to prepare plans, and lay them before the Treasury, in case that course was thought most convenient, but not to deal with the funds.

258. Did they consider that they had a veto on the Treasury?—Certainly, as regards questions of convenience; undoubtedly, that was what Parliament meant, because the speeches that introduced the arrangement were to that effect.

259. You have repeatedly said that you had nothing to do with the sites?—No; the Carey-street site was directed by Parliament to be bought before the Commission was appointed.

260. The Act of Parliament does not refer to the sites, does it?—Not at all.

261. Then by what authority did the Commission pass the second of those resolutions in which they condemn one site and approve another?—That was the matter that was discussed upon the amendment first. It was understood that you, a Chancellor of the Exchequer, had stated to Sir Roundell Palmer that the Commission ought to lay before you some plan that would come upon the site, and be no larger or not much larger than the original plan, and they sought to convince you that they thought the original plan and design was the right thing, and that the Howard-street site was a mistake.

262. And, as I understand, they condemned the Howard-street site because they were asked

to

to modify their plan on the Carey-street site; was that it?—No; they condemned the Howard-street site because they thought it was altogether a mistake. They would have condemned the Howard-street site if there had been no Carey-street plan.

263. But they did these things solemnly as a Commission, in full meeting, on the motion of Sir Roundell Palmer; I want to know where there is any authority for this?—Perhaps I might venture to suggest that Sir Roundell Palmer should answer that question himself.

264. I think not; I ask you the question as secretary to the Commission?—I cannot say anything about it. If I were to speak my own mind, not as secretary to the Commission, I cannot help feeling that the amendment as proposed, if it had been made when they first began to discuss it at the first meeting at which the subject was broached, took substantial ground.

265. You do not think it was *ultra vires*?—I do think it was strictly *ultra vires*.

266. You say that the Howard-street buildings, or what was intended in 1865, can go upon the present Carey-street site?—I have no doubt of it.

267. Do I understand you distinctly to state that it would not be necessary, in your judgment, to purchase more land for the purpose?—I think it can be done without purchasing.

268. But in a manner satisfactory to your own mind?—I entirely agree with Mr. Childers, that it would be most unwise not to buy all those old houses down Bear-yard.

269. Why would it be unwise?—Because, first of all, you will have questions of light arising. They are a set of wretched houses; every one of them, or almost every one of them, having a separate title; so that they never can be properly built and thrown together. There must be a compulsory purchase. Even the Cook's-court people, who have very good houses to deal with, really find that they cannot get a proper title, because there is some lunatic or other who cannot sell one of the houses. You can never deal properly with that site without buying compulsorily. Taking our own data of what the present site is to cost, there is not the slightest doubt that it would be a very profitable investment. If you look at the original map of 1845, which has been talked of, you will see that Sir Charles Barry always proposed to buy strips on each side, and make chambers. He knew very well that it was a wise thing to do.

270. Then the purchasing of the land-ground does not depend altogether upon the size of the building, but upon other considerations?—Certainly; and so Mr. Childers's letter which I read said; he said that it was a matter of prudence, and not for use.

271. If it is asserted that the Carey-street site can be used properly for these courts without any fresh purchase of land, that is a delusion, is it?—Not at all, it is quite true; but I think they would be very foolish to do it.

272. But how would it be true if you required some other purchases?—We do not require them; but if I were a dictator, I should buy them.

273. But speaking not as a dictator, but with regard to the necessities of the public service, what is your opinion on the matter?—The necessities of the public service involve the question whether you would have a better street and a straighter street. I cannot help feeling that the public would rightly desire to have decent surroundings to such buildings as this. No doubt you can do your law with wretched hovels, such as some of the houses are opposite to the courts, and the courts will do their work very well; but I cannot think that the public service would justify such a mode of dealing with the matter. That, however, is a question for the Treasury and for the First Commissioner, and not for our Commission. Unquestionably the Commission of which I am secretary are of opinion (and I am perfectly certain their opinion is a true one) that all that is necessary in Mr. Street's quadrilateral plan to satisfy the requirements of Mr. Cowper's original scheme, can be put upon the site with roads all round it. Adopting the general outline of the admirable scheme which Mr. Street first prepared, all that can be done upon that site without buying another bit of ground.

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274. What distance would that be from those houses which you consider so bad?—Thirty feet from Bell-yard.

275. They are houses of a very low, bad character, are they not?—Yes; Mr. Street's own quadrilateral plan has not a thoroughfare through Bell-yard.

276. I ask you, as a man of the world and of experience, whether you consider it a reasonable, or, speaking in ordinary language, a possible proposition, that we should erect a great ornamental public building within 30 feet of some of the lowest property in London without purchasing that property?—Not if the Fates have determined that these should still remain so. It seems to me that you have no right, in the interest of the law, to put the courts in any other place than on the Carey-street site.

277. Will you kindly answer the question?—You ask me my view, and I say that the courts are bound to be put where alone the work can be done; and if the courts must stand in back slums, be it so.

278. I am asking you not as to the question of the site of the courts themselves, but as to the accessorial question of their surroundings; I ask you again, whether it is in accordance with your notions of public duty to place such a building at such a distance from such property as you have described?—No; I think that, beyond all doubt, you ought to purchase such property.

279. *Chairman.*] If I understand your view of the matter, you consider the purchase of this additional land to be not absolutely essential, but very desirable?—I have not a doubt of it. In proposing to buy the Bell-yard block Mr. Childers said, "I am going against all my antecedents, but I am so convinced that that purchase would be most desirable and beneficial from the improvements which must arise in the property, when the courts are put there, because of the impossibility of the present owners using them beneficially themselves, that I shall certainly press on the Commission to recommend the purchase of the whole of that block to the south of the fire-office, and I am sure that it will pay."

280. Mr. *Torrens.*] I understand you to say, that although you do not think that approaches for the public in general are necessary, there might be with advantage improved access for the members of the profession to the Carey-street site, from Holborn, for instance?—I think there is no doubt that there might be improved approaches,

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proaches, but I do not think that there is anything which the suitors ought to pay for.

281. The access at present for the profession dwelling or having chambers north of Holborn is through the Great Turnstile, or through the Little Turnstile, is it not?—Yes, but more so down Chancery-lane.

282. There is a carriage-way from the corner of Lincoln's-inn-fields about half way to Holborn, is there not?—Yes.

283. Is not that wide enough for carriages already?—Yes.

284. What is the length of the narrow part which is only a foot-way?—That is 155 feet.

285. There is a similar roadway or carriage-way to the other Turnstile from Lincoln's-inn-fields, is there not?—Yes, at Gate-street.

286. What is the length of the narrow gut from that which is only a footway to Holborn?—One hundred and fifty feet.

287. Then we may take them as being about the same?—Yes.

288. Do you know the property at each side of those narrow ways?—Yes, I know the Great Turnstile pretty well; I went over it at the request of the Commission.

289. Have you any idea of what would be the expense of opening those footways and carriage-ways?—There was a report made at the desire of the Government about Great Turnstile; and I can give the exact figures at the next meeting of the Committee, if they please; Gate-street I do not think has been surveyed, but Mr. Pownall was employed by the Government to report upon the Great Turnstile.

290. I presume that you are of opinion that the expense would not be very great?—No, but I do not think that the suitors ought to pay for it.

291. If those two ways were opened to Holborn, would there not be a sufficient access to Lincoln's-inn-fields, not only for the professional community residing in Gray's-inn, Bedford-row, and Russell-square, but also for that portion of the professional people having some place of business in the City, who would approach Lincoln's-inn-fields over the new viaduct across Holborn valley?—I think Mr. Street's was a better plan; Mr. Street's plan took a sloping way, not through Great Turnstile, but more to the north-east.

292. But for all purposes of necessary access for the profession, would not that suffice?—I think so; my own feeling is, as I have stated several times, that the access story is a very great mistake; we are deluding ourselves about the access.

293. I understand you to say that you do not think it desirable that the Courts of Justice should be in the centre of, or very near, a great thoroughfare?—I do not; I am speaking purely of the suitors and of the law interests; but I do not think it would have been any harm at all, so far as the law goes, if they had not gone down to the Strand. It must come down so as to touch the Temple a little; that cannot be helped; but I do not think that the Strand running alongside the courts is any gain at all.

294. You were asked by an honourable Member how a judge living at the West-end, and having to approach Lincoln's-inn-fields, would go, and you say by Long-acre, and I think by Queen-street?—I should think so; but I do not know in what way the Lord Chancellor's carriage comes now; I do not think many come along the Strand.

295. With the exception of the immediate entrance into Lincoln's-inn-fields, are not Long-acre and Queen-street streets of the ordinary width and convenience?—They are not good streets, but they are very fair.

296. Could not four carriages pass abreast in them?—I suppose they might in Long-acre.

297. Except the bit going into Lincoln's-inn-fields?—The judges stated over and over again before the old Committees, that it was really immaterial to them where the courts were placed, and I believe it to be almost the same now.

298. Mr. *Beresford Hope.*] Did I rightly understand you to state, in answer to the Chancellor of the Exchequer, that the motion proposed by Sir Roundell Palmer, and seconded by Vice-Chancellor Malins was *ultra vires*?—It was my own private opinion. They thought otherwise, and they are great men, and I am nobody; but it seemed to me that it was *ultra vires*. It is not very becoming in me to criticise my masters, but I did not think that the Commission was appointed to choose the best site, but only what building, to be paid for by the suitors, they would recommend should be put upon the site which Parliament had already determined upon.

299. You have taken a great deal of trouble in this matter; supposing that you had taken the trouble of arranging the Law Courts on the site of Carey-street, and that the House of Commons, by a resolution or otherwise, blotted out your work, and decided on the Howard-street site, you would, according to the tenor of your last answer, have had nothing to do with getting again to work, and arranging the Howard-street site?—Precisely so; you might just as well have them at Kensington.

300. But that is not the case; you think that the Commission is not "the slave of the lamp"?—I think not; I am happy to say, that this day twelvemonths I shall have my freedom, as the Commission will terminate on that day.

301. Do you think that the Commission exists, in fact, to plant a building on a site which the preceding Commission settled, or is it bound during the five years which it exists to report upon any site which the higher powers may select?—Certainly, the Act of Parliament only refers to a particular site, and if this site is given up, the Commission goes with the site.

302. Then you consider that the present Commission ought to have no relation at all with any but the site originally pointed out, and that a new Commission should deal with Howard-street and its site?—I should think certainly not; if there is a provision in the Commission that requires them to report upon ways and means, and how the suitors are to be taxed to raise the money, that must go to the wall also. I cannot imagine that the Commission would ever like to be a party to taxing the suitors to build in Howard-street.

303. You consider then, altogether, that you are only a supplement to the Commission of which Sir John Coleridge and Sir George Lewis were members, and which I believe decided on the Carey-street site?—Yes; we are merely appended to this act for putting a building on that particular site. It is really the same question as the point as to *ultra vires*, I imagine, which the Chancellor of the Exchequer has put to me.

304. But

304. But speaking not in your character as secretary of the Commission, but as a gentleman who has bestowed great attention upon the matter, you are decidedly of opinion that Carey-street is in itself the better site?—It is the best site which is possible, and the other is a most inadmissible and surprising one, in my judgment—though it is true that I am getting old, and may have lost my power of judging; it is something like 30 years since I was first examined on this subject, and probably I am the only witness surviving, or at any rate there cannot be many.

305. At the same time, you qualify that answer, do you not, by the strong conviction that in order to make the Carey-street site perfectly satisfactory, it would be very desirable to buy additional land?—Certainly, and very profitable I am sure; I should be very glad, indeed, if the Government would build the courts in Carey-street, and would pass a compulsory Bill, to take the purchase of Bell-yard off their hands at the cost price, and give them a bit of land to widen Bell-yard too; I would be very pleased indeed to undertake it.

306. You have expressed a decided general preference for the Carey-street site, and a decided general disapprobation of the Howard-street site; but assuming that Parliament could and would buy indefinitely in Howard-street, but that it was limited to the ground it already possesses in Carey-street, would you still say that the Carey-street site was better than having the courts in Howard-street, with the chance of extension?—I should; because I should say that the Howard-street site would be a detriment to the law, even if you had it as a gift. I am now solely thinking of how the law work is to be carried on; and I say, as all the judges and everybody said in 1841 and 1842, that the chambers of counsel are a part of the manufactory, and that they must touch the courts, or else you are destroying the object of concentration.

307. Will you expand that a little, and tell us a little more of how the adoption of the Howard-street site would be a detriment to the law?—It is the same thing, if I may use an illustration, as if you had your kitchen a street or two away from your dining-room. The work done in the courts is all prepared in chambers, and is carried backwards and forwards in the same way as an article under process of manufacture, or a dinner just cooked, may be carried from one part of a house to another. It is all one work, from the beginning of a suit to the last order which gives a man his *quietus;* and all that goes on in chambers or in Court is a part of the general manipulation of the work tending to the final result.

308. Are you decidedly of opinion that the distance (which, measured by yards, is not great) is yet sufficient, when multiplied by the infinite number of cases and the quantity of business before the courts, to amount to a gigantic inconvenience?—Yes; Sir James Wigram thought, when the Lincoln's-inn-fields scheme was under consideration, that the distance to the other side of Lincoln's-inn-fields was too great from Lincoln's-inn to make it worth while to build there although the land was offered as a gift, and I think he was right.

309. Do you attach any importance to the difference of level between the two sites?—My impression is, that the levels of Carey-street are very advantageous, as Mr. Street has used them. I am now purely speaking of the convenience of the profession; and I think they will find it a convenience to have that rise to Carey-street, if the courts are ultimately put there.

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310. Do you think that Mr. Street meets that difficulty by the ingenious proposal, in the book which was circulated a short time ago, of a double arcade, like the Rows at Chester, the one leading to a bridge, and the lower one leading to a tunnel?—I do not understand why his second plans have been prepared upon a basis wholly opposed to the very first resolution of the Commission. To my mind, it is naturally essential to the good arrangement of all courts that the courts shall be upstairs. I believe that the height of the Privy Council Chamber is the right place for a court.

311. Do you think that Mr. Street's proposal to extend Somerset House Terrace, so as to give the judges an entrance very nearly on a level, would be feasible or desirable?—I would not say a word about it being feasible. I think it would be desirable; but I do not think that it is very important. Every judge goes upstairs to his bedroom and to his drawing-room, and I do not see why he should object to go up one flight of stairs to his court once a day. One thing very much surprised me while the Commission was conducting its inquiries; I had fancied that everybody would have wanted the ground or first floor. To my great amazement, some of the most important officers wanted the second floor. I found that they came in in the morning and stopped all day, and went away at night, and they thought that they should be quieter there. But we found that some of those people who wished to go up those two pair of stairs had 2,000 people a day coming into their offices.

312. Are we to gather from that, that of the two questions of absolute site and internal arrangements, you think the absolute site is the most important one?—I think the building must touch the counsels' chambers, and that they are the first essence of it, and that it is very important indeed that it should touch them as much as possible. The solicitors' chambers on the map in the law quarter of the town are devoted mainly to the carrying on of court work. If I may put it as an illustration, I look upon all those strokes upon the plan as the roots, if one may say so, of the law maturing and conducting its sap. As one of the Commissioners truly said, "Take the courts and offices away to Howard-street, and you would tear the law up by the roots."

313. Therefore you think that the best site ought to be first selected, and then that the arrangements should be adapted to that site, rather than that the arrangements should be first prepared and then the sites adapted to the arrangements?—I think that the only place for which it is justifiable to tax the suitors is the one most convenient for them. Their convenience was certainly the dominant thought of Parliament in ordering the concentration, and appointing the Commission to secure such convenience.

314. And you think that convenience consists more in the site of the building itself than in the details of its internal arrangements?—I think that the site is all-essential, but that the details are very essential; I think that it would be very undesirable that the offices should be separated from the courts, as in Mr. Street's last arrange-

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ment, and that it would be very much to be regretted if it were considered necessary to adopt that plan. I speak purely in the interest of the law.

315. Above all things you consider it necessary, do you not, for the due administration and future reform of the law, that the principal courts should be in one building?—I think so; but that is a matter for a statesman rather than for me.

316. That is the first and most essential provision of all, is it not?—I think so.

317. On that account, therefore, without going further, you think that the scheme which was agitated some years ago, and then was forgotten, and which has just been revived by the honourable Member for Whitehaven, would be very undesirable?—I think that, looking at the future of the law, and the improvement of the law, it is inadmissible; but if we are to go on as we are, with law and equity kept separate, I think it would not be at all a bad scheme, if they could contrive to get the offices of the judges a little nearer to their courts.

318. Do you think that the whole tendency of public and legal opinion is to bring law and equity nearer and nearer together?—I do. They are now really so far fused that the law requires an equity judge to decide a common law question if it comes before him, and it does not allow him, as he used to do, to send it away to a common law judge to dispose of, and *vice versâ*.

319. And you think, therefore, that making a little privileged enclosure of the equity courts would be directly antagonistic to that great improvement?—Certainly it would.

320. Therefore, on broader and deeper principles, independently of Howard-street or Carey-street, you think that the retention of the equity courts at Lincoln's-inn would be inadmissible?—Certainly; the common law judges have a good deal of equity before them, and they ought to refer some of the accounts to the equity judges' officials, who are constantly occupied upon such things, and they cannot do it now.

321. Do you think that that is the general opinion of both barristers and solicitors?—I would not say that at all; but it is the opinion of the Judicature Commission, and it is therefore the opinion of those to whom I look with great respect and reverence.

322. On the whole, may we infer that the scheme of keeping the Law Courts in Lincoln's-inn, is rather a scheme finding favour within Lincoln's-inn itself than generally?—I should think so; I have heard no solicitor say anything in its favour. It would be better than going to Howard-street, certainly.

323. For instance, can you say what is the opinion of any one Inn of Court—take Gray's-inn, for example?—I do not want to say anything disrespectful of Gray's-inn, but I do not care to ask what their opinion is. They have done; they are gone, as a law inn. The force of concentration has been too great for them. That change in 20 years is very curious; the mere change within 20 years which those red and blue spots on the plan show are all changes of a concentrative character, and show how all the profession is always trying to get itself more pushed up together. Everything we know has changed since the time of Mr. Gem, who was the first person who dealt with these matters in his pamphlet of 1840. The first proposal of all was, as to Lincoln's-inn-fields from Mr. Gem, who is now a gentleman of private fortune, and has long retired from practice. He is a man of very great ability, and I daresay he would tell you now, that Lincoln's-inn-fields is the best site; but as Gray's-inn died out, the only argument for Lincoln's-inn-fields seemed to me to die out too.

324. Was it proposed to construct the building inside Lincoln's-inn-fields?—Yes; on the upper part of the gardens.

325. Has not another consideration come in from the fact of Lincoln's-inn-fields being almost a public park of London, and its being therefore undesirable to block it up with building?—I and my partners are the owners of a large house there; our ancestors in title helped to buy the garden, and we should certainly feel that, as we bought it, we were entitled to sell it or give it away; but I gave evidence against the Lincoln's-inn-fields' proposal myself.

326. It is a lung of London, is it not?—Certainly, but it is a private freehold.

327. But it is an open space, and it helps to purify the air of London, does it not?—But then the public should buy it. However, I object to it entirely as the site for the courts, and I gave evidence against it.

328. Are we to gather from the evidence which you gave at the beginning of your examination, that the first move for buying extra land in connection with the Carey-street site proceeded from the Treasury of the day, and not from yourselves?—Certainly; the Treasury itself caused an Act to be passed to justify the application of any monies already voted to the purchase of any other land; if they could have bought by private contract the whole of that Bell-yard block, the Act of Parliament would have allowed them to buy all Bell-yard.

329. Whether the extension of the area be or be not extravagant and unnecessary, the opening of the floodgate rests with the Treasury of that day, and not with you?—I would wish to say that the Commission, in the discharge of its duty, recommended some very wise arrangements; I think it was a very wise arrangement which would have got rid of that angle at Lincoln's-inn (*pointing to the Map*).

330. But the body which was responsible for the first deviation from the *status in quo*, which was represented by the receipt which you gave, was the Treasury and not the Commission, was it not?—Instead of answering yes, I would say the body which is entitled to the credit of it, if you please, because I think that their views were quite correct.

331. Mr. *Goldney.*] Is it your view, in your professional capacity, that the first thing to be considered in this new building, is the convenience of the suitors?—If they are to pay for it, that is unquestionably my opinion.

332. Irrespectively of that, supposing that it was not to be paid for out of their pockets, but supposing that the Government was going to do it, would not the first thing to be considered in the construction of the Law Courts be the convenience of the suitors?—I should say that it would unquestionably be so.

333. Do you not think that that convenience is to be arrived at by placing the Law Courts in proximity to the solicitors' offices?—Yes, and only by so doing; looking, however, to proximity to counsels' chambers first.

334. Supposing that proximity to be attained, is it your view that the legal business of the country

country would be considerably facilitated?—Unquestionably.

335. And that suits, especially in the Courts of Equity, would be very much shortened?—I would not say that they would be very much shortened, but they would be shortened very much more than would be enough to pay for the extra taxation.

336. Is not the amount of money locked up in the equity courts said in round figures to amount to more than 60,000,000 *l.*?—There is that in the Accountant General's hands, and a vast deal more tied up by the court.

337. What amount do you suppose is in litigation?—I made a good many calculations at the request of the Commission of 1860, but I am sorry to say that they are very much out of my mind at present.

338. Have you any idea that if suits by the concentration of the courts were facilitated to the extent of a shortening of the time which they would otherwise have occupied, by 12 months, the interest of the money would more than pay all the expenses of the building?—I would say 12 days; I undertake to say, that if two or three days in each year can be struck off the length of Chancery suits by concentrating the courts, the extra taxation will be an admirable outlay, treating it as a discount to be paid by the suitors for earlier recipiency of their money. See my evidence before the 1860 Commission.

339. You give that as an approximation to the benefit which is likely to accrue to the public, from the concentration of the courts at a spot near where the legal officials have their offices?—Certainly.

340. Does it not often happen that the same person wants to attend the courts, and also the offices of the Court of Chancery, at the same time?—The head clerk, or the solicitor himself, who attends in the Court of Chancery at the hearing of the cause, ought to attend the registrar when he passes the order, and the chambers when it is acted on there.

341. From the fact of the offices being now separate, are not suits very frequently delayed?—They are delayed, no doubt, a good deal, and the work is not so well done if there is a dispersion of offices; you are obliged to send worse clerks to appointments, while the better clerks or the master himself would otherwise attend.

342. Was not the amount which the purchase of the site and the building were estimated to require considered in Committee previous to the Bill being passed, and was there not evidence given, previous to the passing of the Bill, as to the amount of 1,500,000 *l.*, which was inserted in the Bill?—I am not certain about that.

343. There must have been some evidence, must there not, by which that sum was arrived at?—I have no doubt that there was, but I have not it before me.

344. I think the attention of the Commission was drawn by the Treasury to the amount of money that they had to spend on the building; and in the architects' instructions you put in the amount to which the expenditure on the building was to be limited, did you not?—Yes; but we put it in rather as agents of the Treasury than as Commissioners.

345. But in those instructions to the architects did the Commission put in the actual amount?—The Commission and the Treasury together did so, because the Treasury approved the instructions.

346. That amount was 750,000 *l.*, was it not?—Yes.

347, Do you not think that the building could have been erected for that amount?—The Commission was of that opinion.

348. In the instructions given by the Commission to the architects, the amount of the expense was to be limited to that amount, was it not?—Yes; on the certificate that was given by the Commission several witnesses were examined, who led them to certify that they believed that the courts could be built for that amount.

349. In the Act of Parliament which was passed for the purpose of the acquisition of the site and the building of the courts, which were defined to be provided for, were the Superior Courts of Law and Equity, the Probate and Divorce Court, and the Court of Admiralty, with their offices, specified?—Yes.

350. Does the proposed new plan embrace the whole of those courts and offices which are contemplated by the Act of Parliament?—Yes.

351. And more?—I am not certain without having the plans before me; but I think there was a depository for wills in the basement.

352. There could be no necessity, could there, for having a depository for wills in the place where the courts were?—I never could see why it was wanted.

353. Was there any necessity for the Inclosure Commission being concentrated with the Courts?—I do not know that that was not desirable.

354. Have they any legal business?—They are not included, but my impression is that they ought to be included.

355. In making the arrangements for the courts and these suggested additions, I think the Commission appointed four or five sub-committees, did they not?—Yes, a considerable number.

356. There was one sub-committee of solicitors and counsel, was there not?—Yes; there was a works committee, and a legal arrangements committee, and a finance committee; and after working some little time, when the plans came to be made out, there was a requisitions committee appointed to examine all the offices. If I remember rightly, Sir William Erle, then Chief Justice Erle, was upon that committee, and it met for a great many days, sitting all day long. Many of the officers were brought up, and everybody wanted great lots of room and accommodation, and they had to be cross-examined as to the quantity that was requisite for each.

357. In the first instance, Mr. Abraham was appointed your architect, was he not?—Mr. Abraham, junior, was; but he died almost directly.

358. Was Mr. Waterhouse then apppointed?—Then Mr. Waterhouse was appointed.

359. And then Mr. Waterhouse requested to be allowed to retire, did he not, on account of his being excluded from the competition?—Yes, in a few days.

360. Was it then that you looked out for another architect who was not likely to compete, and did you then select Mr. Burnet?—Yes; I think that the first recommendation to me was from gentlemen well known, I believe, to the First Commissioner of Works, Bircham, Drake, and Company.

361. Have the Commission been quite satisfied with

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with Mr. Burnet's attention and ability? — Entirely so; and he has been of the greatest possible value to me.

362. Mr. *Osborne Morgan.*] You were asked by the noble Lord as to the width and convenience of the streets leading to the Carey-street site from the north; would not a person coming to the Embankment site from the north have to traverse exactly the same streets as a person coming from the north to Carey-street?—I conceive so.

363. Then that inconvenience would apply to both sites, would it not?—I should think so.

364. And there would be the further inconvenience, as regards the Embankment site, of having to cross the Strand, would there not?—Yes.

365. Is not the portion of the Strand which is immediately opposite to the entrance to the Carey-street site very much wider than the part of the Strand which is immediately opposite to Norfolk-street?—Yes.

366. It is nearly double the width, is it not?—I believe it is.

367. Do you not think that the width of the Strand immediately opposite to the principal approach to the building would be a point of considerable importance?—There are two considerations: at my age, and going, as I do, much to the courts, I would much rather have a little place to run across than a long one.

368. But would there not be a number of vehicles constantly passing along?—No doubt; but perhaps there would be more chance of dodging them in a narrow street. It would be a very fatal objection, it seems to me, to have to make all the world of the law run across backwards and forwards that bit of street, all day long.

369. But the street is very narrow there, is it not?—If you have to cross a street through a lot of cabs, it is a question whether a wide or a narrow street is preferable. I am not at all sure that I should not prefer a narrow street, having regard to my own safety.

370. You have produced a map showing that all the largest part of the legal profession is at present located in the neighbourhood of the Carey-street site, and you have stated that you consider it to be of paramount importance that the courts should be situate in the immediate neighbourhood of the chambers and offices of counsel and solicitors; I should like you to give me your grounds for that opinion a little more in detail, and I will try to help you; I will take, first of all, the case of the chambers of counsel: why do you consider it of considerable advantage that those chambers should be in the immediate vicinity of the Law Courts?—Because a counsel ought to be in his chambers till the moment he is wanted in court, and he ought to have his books and his notes at that place, and he cannot have them so if the Howard-street site be adopted.

371. You are aware that junior counsel practice both in chambers and in court?—Certainly; it is a joint practice, it is not two practices, but it is two parts of the same process.

372. I presume that the libraries are in their chambers?—They are.

373. How many times do you suppose that a counsel in large practice has to pass backwards and forwards in the course of the day from court to chambers, when the courts are sitting?—I cannot tell, but a great many times, I should think.

374. Thirty or forty times?—I cannot tell; I daresay a leading junior counsel must be always running backwards and forwards if he is doing his work properly. In the old times I know we could get no chamber work done by junior counsel during the sittings at Westminster, and nobody thought of getting pleadings from a junior counsel in Lincoln's-inn when the Court of Chancery were sitting at Westminster, but the Chancery business is infinitely better done now.

375. Are not conferences constantly required in chambers while the courts are sitting?—Constantly.

376. As a matter of fact, do you not find that the chambers of equity counsel are situated in the immediate vicinity of the courts?—Certainly.

377. Do any counsel live in Lincoln's-inn-fields?—A few.

378. How many?—I do not know; but I should say that there are four or five near the corner next Lincoln's-inn.

379. But no counsel would think, would he, of living at a greater distance than that from the court?—No; and I think that none with any great amount of practice live as far from the courts as that.

380. Do any counsel live in Gray's-inn?—No counsel who practise in the courts live in Gray's-inn, to my knowledge, though a few conveyancing counsel practice there.

381. Then, as a matter of fact, the chambers of practising counsel are clustered in the immediate vicinity of the courts, are they not?—They are now.

382. Why is it desirable that a solicitor's office should be located near the courts?—Because then he can be in court in a moment. I was for 20 years of my life in Bedford-row, and when I removed to Lincoln's-inn-fields, I could not have imagined how much better we were able to do our business, although when we got to Lincoln's-inn-fields, we only saved a walk of seven or eight minutes.

383. Is it not the practice in large solicitors' offices to have the witnesses up to the offices before they go into court?—It is always the case in Common Law proceedings.

384. Do you not think, that looking to the convenience of the solicitors and of the witnesses, it is desirable that their places of business, namely, the solicitors' offices, should be as near as possible to the courts to which they have to go?—Certainly.

385. You are a solicitor in very large practice, I suppose in perhaps the largest practice in the profession?—Most certainly not; and my own experience, I should say, is almost entirely in equity.

386. May I ask you how long you have been in practice as a solicitor?—I was admitted in the year 1826.

387. Is it your practice, when you are distributing your causes among your clerks, to give one cause to a particular clerk?—Not entirely so. We give one cause to a head clerk, but he has help from other clerks under him to take the unimportant part of the work; and for taxation, there are, of course, other clerks.

388. Do you not, as a matter of fact, entrust a particular cause to a particular clerk?—That is very much the case.

389. Then in point of fact, from the time when a cause is started, so to speak, is it not chiefly conducted

conducted by the clerk and the junior counsel?—Very much so. Of course the clerk is constantly speaking to me or my partners about everything that is being done. He comes backwards and forwards to our offices all day through; and this should not be impeded.

390. Then that clerk would have to be constantly engaged, would he not, both in court and in the offices?—Yes, and with counsel.

391. Is it, therefore, in your opinion, important that the chambers of counsel and solicitors, and the courts and offices, should be in immediate contiguity?—I do not believe that the law work can be carried on with any decent amount of convenience or dispatch without it. I cannot use language strong enough to express my conviction that if the suitor is to be cared for that must be done. It is essential to any buildings for the purposes of law courts that you should remove the chambers of counsel to the courts, if you do not take the courts to the chambers.

392. As a matter of fact, have you not often heard the Vice-Chancellors complain of the absence of a clerk from the court at a time when a particular cause has been called on?—Certainly.

393. Is not the hearing of the causes very much delayed on that account?—I would not like to say so much as that. I would always put down the mischief of bad work as greater than the mischief of slow work.

394. Has not Vice-Chancellor Malins refused to hear any cause in the absence of the solicitor's clerk who attends to the cause?—I believe he has. But then little boys will be sent in last resort.

395. To what do you attribute the absence of the clerk in those cases?—To the dispersion of the offices and courts, even to the small extent to which the offices and Courts of Chancery are now dispersed.

396. He cannot be in two places at once, of course?—No; and the dispersion, though it looks small upon the map, is large enough to be a very great encumbrance and hindrance to the due transaction of business. The scheme of Mr. Street, approved by the Commissioners, would be a perfect change in that respect.

397. Then, do you believe that it would be possible for the legal profession to reside where they do now, and to do their work as well, or to do their work at all, if the courts were removed to the Embankment site?—I do not believe that it could be properly done; of course we did it when the courts were at Westminster, but we did it in a very bad and inefficient way.

398. As a matter of fact, does not a cause in equity take a very much shorter time to be heard and disposed of now than it did formerly?—It does; it is quite different now.

399. Do you attribute that at all to the fact of the courts being concentrated?—Very considerably. The four terms of the year were then very much wasted.

400. I think that until very recently, that is to say, that until within about 10 years, the Courts of Equity sat during the summer at Westminster, did they not?—I believe it was in 1848; I think that the memorial that was presented was drawn up by the present Lord Justice Selwyn, who was then at the junior bar; it was in Lord Cottenham's time.

401. Lord Cottenham was a judge who had a great idea of the dignity of his office, was he not?—He had; but he had a very great idea of having the Chancery work done as it ought to be. He stated that counsel chambers should be within reach of the call of the courts.

402. The courts were removed to Lincoln's-inn for the reason which you have stated, were they not?—Quite so, upon the memorial printed in the reports.

403. As regards the convenience of the public, as opposed to the convenience of the profession, do you in any way recognise that convenience of the public, as opposed to the convenience of the profession, as at all an element of consideration in the case?—I am unable to recognise what is meant by "the public" for this purpose; I have never seen them, and I have been at it since the year 1826.

404. Do you recollect the removal of the back bench in the present Lord Justices' Court?—Yes.

405. Do you know why that was removed?—I do not; I remember that when the hall formed one court for the Lord Chancellor, the recesses were found to be a very great nuisance in those days, because people would get in there, and the place could not be kept quiet; I remember very well that the stove in Vice-Chancellor Shadwell's Court had to be removed, because so many dirty fellows (now called the public) came in in the winter, and it was almost impossible in consequence to stop in that part of the court.

406. Mr. *Layard.*] Did I rightly understand you to state that if you bought the land round the present Carey-street site you could resell it at a profit?—I have not a doubt about it, and my principal reason would be that a number of acute Liverpool gentlemen found it worth while to buy those houses in Cook's-court to pull down and rebuild. They had made some very fine speculation of the same sort in Liverpool. If you could buy the Bell-yard houses without compulsory purchase, and pull them down, and rebuild them properly, I am quite sure that a very large profit could be made; and taking the cost of the present site as the clue to what would be the probable cost, and, in fact, taking the Government surveys of the Bell-yard property, I have not the slightest doubt that there is a very large profit, indeed, to be made.

407. Are you aware that there has been a good deal of speculation in land about the present Carey-street site?—I am not aware of anything of the kind, except as to Cook's-court; but that is a very large concern.

408. Are you aware that it has been stated by the Law Institution that the Government would lose 500,000 *l.*, or nearly that sum, on the resale of the Carey-street site?—I know that they stated some sum.

409. You say that Vice-Chancellor Malins now complains that the solicitors' clerks are not always in attendance?—No doubt that is so.

410. And yet the court in which Vice-Chancellor Malins now presides is in the very centre of Lincoln's-inn, is it not?—Yes.

411. Mr. *Mowbray.*] You do not think that it would be very convenient for an equity barrister to have to cross the Strand to go to Howard-street?—Certainly not; it would be too far off.

412. If the courts were built in Carey-street, would it not be equally inconvenient for barristers in the Temple to have to cross the Strand?—I think not, because the scheme was to give them a bridge on the level of the courts.

413. Has not that scheme of building a bridge been

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been abandoned?—Not by Parliament yet, and Parliament empowered it. If the authorities of State say that it shall not be done, of course their wisdom will prevail. I am aware that it has been struck out in one plan; but if the crossing of the Strand on a level is an evil, it is a much lesser evil to make persons from the Temple cross it going to the north than to make persons from Lincoln's-inn and that district cross it in going to the south, because the latter class are in the proportion of seven or eight to one. There will be about 170 solicitors, besides their clerks, coming from the Temple northwards over the Strand; if you put the courts to the north of the Strand, and there will be about 1,100 solicitors, besides clerks, going from the north southwards, if you put the courts on the south side of the Strand.

414. Is that including all the barristers and solicitors and clerks?—Solicitors only; but there is also a much greater proportion of barristers to the north than to the south. It will be found from figures which I will prepare for the Committee, that the risk of life, if the courts are put to the south of the Strand, as compared with the risk of life if the courts are to the north of the Strand, will be in the proportion of something like seven or eight to one.

415. If you abandon the bridge which connects the Temple with the Carey-street site, there is a certain risk of life to everybody going from the Temple crossing the Strand, is there not?—There is the same risk in going from the north to the Howard-street site.

416. If Mr. Street's plan contemplating the tunnel and arcade were adopted, the objection on the ground of danger to life would be removed, would it not?—Mr. Street may contemplate it, and the metropolis may contemplate the railway, but I do not see that either the railway or the tunnel is proposed in anything that is before Parliament. The Railway Company have, I believe, no money and cannot borrow.

Friday, 9th July 1869.

MEMBERS PRESENT:

Mr. Bentinck.
Mr. Chancellor of the Exchequer.
Mr. William Cowper.
Viscount Enfield.
Mr. Goldney.
Mr. Gregory.
Earl Grosvenor.
Mr. Russell Gurney.
Mr. Beresford Hope.
Mr. Hunt.
Mr. Layard.
Lord John Manners.
Mr. Osborne Morgan.
Mr. Mowbray.
Lord Stanley.
Mr. Torrens.

THE RIGHT HONOURABLE LORD STANLEY IN THE CHAIR.

Mr. EDWIN WILKINS FIELD, recalled; and further Examined.

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417. *Chairman.*] I BELIEVE you wish to add something to your evidence?—I was asked on the last occasion about the evidence on which the certificate was given; I have it here from the shorthand notes: and I was asked about the witnesses, and I was unable from memory to state their names positively. I find that they were Mr. Abraham, Mr. Waterhouse, Mr. Pennethorne, and Mr. Henry Hunt. Those were the four witnesses upon whose evidence the certificate was given by the Commission, in the first instance. That is the first document that I produce.

418. Are there any other Papers that you wish to put in?—There were some others that I was asked about. I find that I have many copies of the draft report, if it is wished that I should produce them for the purposes of the Committee; and I have brought with me 18 proofs as they then stood. I have not seen the Lord Chancellor, but I have seen Sir Roundell Palmer, and we cannot conceive any reason why it should not be used, if it is not published. The Committee will distinctly remember that this paper is not settled yet; and I omitted to state the other day what I ought to have stated, namely, that there were expressions in it about extra land being essential, which were objected to by many of the members of the Commission; and I received at the time a letter from Sir Roundell Palmer, which I have not been able to find, stating that he could not sign the report unless those expressions were modified. Subject to these observations, I believe that there is no reason whatever that I should not, if desired, place 18 copies in the hands of the Members of the Committee. I have written at the top that this proof was printed in June 1867, and is not complete. The Committee will be so good as to recollect that it brings down the history of the proceedings of the Commission only to that date.

419. Mr. *Russell Gurney.*] Is that signed?—No, because it was never completed; it contains a very fair summary of the general proceedings of the Commission, and probably will render it not necessary that I should give in the précis that the Chancellor of the Exchequer desired me to prepare of the general changes proposed in the original Parliamentary scheme by the Commission, upon the details of that scheme as they appeared in the map of Mr. Abraham and the plans laid before Parliament in 1867. The thing will be found very well stated there; but I have made, and can produce, if it is wished, a short statement, being in fact again an abridgment of the abridgment that their report contains of the way in which the Commission have dealt with, and what additions they have made to, the scheme that was laid before Parliament when the Act was being passed. The Committee will be good enough to remember, when looking at my abstract, that it is not a very reliable abstract; I am having it copied, and it shall be placed in the hands of the Committee clerk shortly.

420. *Mr. Chancellor of the Exchequer.*] You produce, as I understand you, a précis of the changes that have been made by the Commission since their first appointment?—Yes, it is an abstract of the statement contained in four or five pages of this draft report, and it shall be placed in the hands of the Committee. I beg the Committee to understand that it is not a very good abstract of what is very fairly stated here in the draft itself. Then I was asked about the cost of the Great Turnstile improvement and the changes there; I have brought Mr. Pownall's reports upon that subject, and the surveys that were made by him, if the Committee wish to see them.

421. Mr. *Layard.*] What is the amount?—There are three schemes; one 91,000 *l.*, another 100,000 *l.*, and the other 122,000 *l.*, after sale of the surplus land. That is made by Mr. Pownall by the direction of your office, or of the Treasury, with a view to the question whether the Commission should advise that the suitors should be at the expense of opening the Turnstile.

422. I understand you to say that the lowest estimate was about 90,000 *l.*?—£. 91,000 *l.*

423. Mr. *Osborne Morgan.*] Do you mean the Little Turnstile or the Great Turnstile?—Only the Great Turnstile.

424. Mr. *Layard.*] Was an estimate made for opening the other Turnstile?—It was never thought of by the Commission. I believe that those are all the things that I was desired to

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state. I do not know whether I might be allowed to add something to my evidence.

425. Mr. *Goldney.*] What have you to add to what you stated on the last occasion?—I wish to state what my own experience has been as a professional man. I began and was for nearly six years in the Temple, serving my articles at King's Bench-walk, so that I know what the Temple wants are pretty well. I was then for quite 10 years practising in the City, and I know pretty well what the City wants are. I was then for 20 years in Bedford-row, and I know pretty well what are the conveniences and inconveniences of carrying on the legal profession in that part of the town; and now I have been for 10 or 11 years in Lincoln's-inn Fields. That was one of the things that I wished to say. Then I wish to make an additional statement as to what took place when the book of instructions was sent to the Treasury, that book of instructions being the real allowance by the Treasury, to the architects and to everybody, of the additional purchases. What I wanted to state was merely this: that when that book of instructions was sent to the Treasury for their approval, I myself wrote a formal Minute calling the attention of the authorities of the Treasury to the fact that they ought to satisfy themselves about the additional purchases that were being proposed before they gave their sanction to the instructions being issued to the architects.

426. Have you a copy of that Minute?—I have (*producing it*); it is on page 74 of the Commission Minutes: "Mr. Field thinks that the Treasury should satisfy itself that paragraphs 42 and 43, as to ventilation, paragraphs 13, 29, and 39, as to housekeepers' dwellings, and tunnel in Carey-street, and pink and other additional lands, take the right view. Strong remonstrances have been received against leaving the question of ventilation and heating to the architect. Mr. Denison, Q.C., says that Dr. Percy ought to be consulted. In other respects, Mr. Field thinks that the Treasury need not trouble itself with the examination of the draft." All the rest had been gone through, but those were very important, and those were matters which I thought, from what I knew had taken place before the Commission, the Treasury ought very carefully to attend to, before it issued the book of instructions.

427. *Chairman.*] Is there anything further, that you consider material, that you wish to add to your evidence?—I wish to add that in 1841 and 1842, when there was such an anxious inquiry among all the witnesses, of whom I was one, as to what would be the best site (there was no such thing then as the battle of the sites, and no bias at all in the matter), the first person who suggested the change from Lincoln's-inn Fields to Carey-street, was Mr. Commissioner Hill, the brother of Sir Rowland Hill, and his suggestion was felt to be so wise from its pointing at a place which touched the chambers of the law, both in the Temple and in Lincoln's-inn, that the original scheme was very soon abandoned. Sir Charles Barry, who had given evidence in favour of the Lincoln's-inn Fields site, himself stated that Carey-street was a much better site, and the whole thing was done in a most unbiassed manner amongst the lawyers of that day.

428. Then, I understand it was considered then that Carey-street was more convenient than Lincoln's-inn Fields; but the question of the Embankment could not arise?—The thing that was considered was what was the elemental condition of the site that would be best for the suitors, and they said, "It must be one, if possible, that touches both the Temple and Lincoln's Inn." The Rolls estate was talked of at that time as being nearer the City, and to some extent fulfilling the same conditions, but it was thought not nearly so good.

429. Mr. *Mowbray.*] As a matter of fact, there was no embankment site then in existence?—No; but the elements and conditions that ought to attach to the site were before all these great men, from Lord Cottenham downwards, who fixed on Carey-street as the most convenient for the objects they had in view. Then, further, when I answered my Lord Grosvenor's question (No. 224), "With regard to light and ventilation, do you not consider the Howard-street site infinitely preferable to the Carey-street site on those points?" I forgot to refer to one very important thing which occurs in the winter time, and that is the fog. The river fogs would be a great inconvenience to the Howard-street site.

430. Mr. *Chancellor of the Exchequer.*] There would be none in Carey-street?—Not so much as on the Thames.

431. Mr. *Layard.*] Is there any fog on the Thames?—Terribly bad; we can hardly see our way round the Temple. Everybody who goes through the fog knows that it gets worse when you go down into that part of the town. Then, in answer to Mr. Bentinck, when he was speaking of the present courts in Lincoln's Inn, I think I spoke a little too strongly about their convenience. It is very inconvenient that there should be courts without water-closets, and arrangements of that sort; and they have nothing of the kind there, and they certainly ought to be very much improved if they are to be ultimately adopted as the courts of justice for the country. Then, too, I do not think that my evidence sufficiently points out this: that with regard to the persons who come, as suitors or otherwise, to the courts, the comparatively few who do come only come once in a day, whereas the lawyers and their clerks are really running in and out of the courts all day like ants, and you must count them as very very many, when you are considering the question of access to one or the others. Then, further, I did not refer, in speaking of the interests of the suitors in the acceleration of justice, to any other element of consideration except the saving of money to them by the quickening of proceedings. I ought, undoubtedly, to have referred to the saving of the heartrending and misery, which after all is even more important to them than that which arises from the law's delay; and I ought to have stated that some years ago a medical man sent me a book containing a treatise on what was called "Chancery Cachexia," an account of people who sickened and perhaps died of Chancery suits; and it does seem to me that it is a matter of grave consideration, that the Committee, in settling the site, should do all they can, if it is only in the interest of the ease, and comfort, and happiness of men, to let the works of the courts of law be done as well and as quickly as possible. Then, again, I did not point out, as I think I should have done, an expression in the book of instructions to the architects, as to the not exceeding the amount of the money that was mentioned in the Act of Parliament. There was an expression

of

of a hope that it would not be much exceeded; but such an expression, as I think, was a tolerably good proof that there was an expectation on the part of those who were responsible for the issuing of those instructions, namely, the Commission and the Treasury, that it must and would be exceeded. Then there is another matter, really of some moment, in which the question of the convenience of legal business has a good deal altered its aspect since 1841 and 1842; and that is the numerous postal deliveries in the course of the middle of the day, and still more the immense flood of telegrams which come in to our offices through the whole of the day; they can only be received at our offices, and those offices ought to be very near the courts, as a very great number of them relate to court work. The very moment when the cause is going on in the court, there is a telegram from Liverpool, for instance, to direct its course.

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432. Mr. *Layard.*] Could you not remedy the inconvenience by having a telegraph office in the building?—I should not like anybody else to have a chance of having my messages; I would rather have them delivered at my own office; they are too important to run risks about. Besides it is impossible for a man to know when he sends the telegram, unless he has got one from us in the morning, that the cause is on at the moment. We have a vast number of telegrams coming in and out in the course of the day. I have no doubt that in the Bedford-row district there are hundreds and hundreds per diem, judging from the number of agencies that I see located there.

Mr. William Burnet, called in; and Examined.

433. *Chairman.*] You are Architectural Clerk to the Commission, I understand?—Yes.

434. And have you served upon it from the beginning of the inquiry?—From nearly the beginning of the inquiry, from December 1865.

435. Mr. *Layard.*] May I ask you whether you are an architect by education and profession?—I am.

436. Have you ever been engaged in architectural construction of any kind?—Yes, all my life.

437. Were you employed to draw up the instructions to the competing architects?—Yes.

438. Have you been consulted by the Law Institution?—Yes.

439. Did you draw up the map for the Law Institution which was circulated amongst Members of Parliament and laid before this Committee?—I did.

440. You are responsible for it?—I am responsible for it.

441. Are you responsible for other statements which have been circulated by the Incorporated Law Society?—For nothing whatever beyond that map.

442. Here is a statement of the comparative cost of the Carey-street and Howard-street sites; were you consulted about that?—In nothing whatever about that.

443. Only in regard to the map to which I have referred?—Yes.

444. Are you aware that at a meeting of the Royal Commission, on the 4th of June last, Sir Roundell Palmer moved a resolution disapproving of the Howard-street site and approving of the Carey-street site, and that that resolution was founded upon the documents referred to in the following minutes:—"Inspected Mr. Street's block plans and report of May 1869; inspected map of Parliamentary Carey-street site and Howard-street site, circulated by the Incorporated Law Society (which is the map in question); inspected map prepared by the Architectural Clerk, showing how the scheme approved by this Commission might be reduced to the area of the Parliamentary Carey-street site; inspected tables of comparison prepared by the Architectural Clerk, between Mr. Street's Howard-street scheme, Mr. Street's Carey-street scheme, of May 1869, and Commissioners' scheme, as suggested to be reduced to Carey-street site"?—It was so.

445. Are you aware that Sir Roundell Palmer withdrew that resolution, and that those documents were referred to a sub-committee for examination?—Yes.

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446. Are you aware that the sub-committee reported in these terms: "That the original map (1845), which is the map upon which that resolution of Sir Roundell Palmer was founded, did not, of course, represent the boundaries of the now purchased site in Carey-street or of the proposed site in Howard-street; and such sites appear to have been inaccurately delineated on the new or reproduced map; for instance, although everyone agrees, and it is so stated on the map itself, that the purchased site in Carey-street contains 7½ acres, the dimensions of the site, as delineated on the map when measured by the scale upon it, do not produce that result. That map, therefore, cannot be relied upon as an accurate representation of the shape and dimensions of the proposed site"?—Yes, I am aware of that.

447. Are you aware that Mr. Hunt moved that the words, "and not a copy as it purports to be," should be inserted instead of the word "reproduction"?—Yes.

448. Are you aware that Mr. Hunt further states, "Nor does it, as it appears to me, represent with proper accuracy by the black blocks upon it, the buildings used by the legal profession, as I have caused an investigation to be made by a competent person, and it has been ascertained that about one-fifth of the buildings thus indicated, are not so used. The map of the Incorporated Law Society is, therefore, in my opinion, neither a copy of the map of 1845, nor an accurate representation of the buildings now used by the legal profession"?—I am aware of that.

449. Are you aware that this map is stated to be copied from the plan, number 608, ordered by the House of Commons to be printed on the 1st of August 1845?—Yes.

450. Is it a copy or not?—It is not a copy in the strict sense of the word, certainly.

451. Then, why was it stated to be a copy?—It is an inaccurate expression.

452. You state on this map, that a space coloured yellow, contains six acres, is that so?—It does not contain six acres.

453. Do you still believe that a road 60 feet wide, might be carried from the Strand to Carey-street, without interfering with the acreage proposed

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posed to be employed for the erection of the Law Courts?—Yes.

454. That is to say, that by carrying this road from the Strand to Carey-street, you would still leave six acres for building purposes?—Not six acres, but a sufficient space for building.

455. A direct road?—A straight road.

456. Such as is marked on this map?—Very nearly, there is a slight projection further westward in the building, but very slight.

457. Upon what grounds did you mark with a violet colour upon this map the site of Mr. Street's proposed erection on the Howard-street site?—It was merely done from reading the report of the speech made in the House of Commons; I am not sure whether by yourself or by the Chancellor of the Exchequer; I had no other information to guide me.

458. Did you consult Mr. Street when you marked upon this map his own plan of the Howard-street site?—No.

459. Why did you not consult Mr. Street?—It did not occur to me to be necessary for the purpose that this map was wanted for.

460. You are aware that this map was produced and used in the House of Commons by Sir Roundell Palmer as an authentic statement of the size and measurements of the respective sites?—Not of the size and measurements but of the general question of the respective sites.

461. Did you draw up that plan which is hung up on the wall?—Yes.

462. Can you state whether Carey-street and the addition to it, between it and Chancery-lane are equal in width the whole distance?—It is not the same width, it varies in several places.

463. Taking that part of Carey-street which abuts on Chancery-lane, is there not a considerable difference in the width of the street at that point?—The part at the Union Bank is rather wider than the general width of Carey-street at present, there are parts in Carey-street that are narrower than that part of Carey-street opposite the Union Bank.

464. But when Carey-street is widened as you have proposed, at that time would the whole width of the street be the same?—No.

465. That part before the Union Bank would be much narrower than Carey-street?—Yes.

466. You have, I believe, prepared for the Royal Commission a reduced plan for the Law Courts, to be placed upon the Parliamentary Carey-street site?—Yes.

467. Have you seen Mr. Street's report upon that plan?—Yes.

468. Are you aware of the criticisms that he makes upon it?—Yes.

469. Do you dispute the accuracy of those criticisms?—I think that that they are not quite accurate.

470. I believe that that is the plan that you have prepared (*handing a plan to the Witness*)?—That is one of the plans.

471. In this plan you make Bell-yard 30 feet wide at the narrowest part?—Yes.

472. It is not a fact that, at the point which is marked here, "Bar-robing Room," there is a projection which reduces the width to less than 30 feet. (*The Witness measured it*)?—I find that it measures quite 30 feet on this plan that I have got here, at this angle.

473. Are you aware that Mr. Hunt, in a report upon your plan, which report has been laid before Parliament, has stated, "Another alteration made in the plan of August 1845, before it was used in the lobby of the House of Commons, was that spaces, which in the original plan had been marked as shops, were included in the altered plan in the deep black blocks intended to indicate buildings used by the legal profession?—I find the careful map that I have made since, shows that a very few places used for other purposes have been coloured by mistake in that way.

474. I believe in your plan, you propose to do away with the bridges which were to connect Carey-street with the Temple and Lincoln's-inn?—Simply because I understand the Government decline to purchase any further land.

475. By your plan, I presume that the judges' access to the courts is to be in Carey-street?—It remains entirely the same as Mr. Street's; I meant no alteration in any arrangement of Mr. Street's.

476. Lord *John Manners.*] If Government declined to purchase any land for the purpose of throwing a bridge from the Carey-street site on to the Thames Embankment site, how would the lawyers and clients who live on the north of the Strand cross conveniently to the new Embankment site?—They would have to cross the Strand as everybody else would have to do.

477. Are you aware whether Mr. Street's plan contemplates throwing a bridge over the Strand from the Embankment site on to the other side?—Yes; I believe that Mr. Street proposes a bridge and a tunnel.

478. Could that be carried into effect without purchasing ground on the south side of the street for that purpose?—No; I should imagine not.

479. Mr. *William Cowper.*] You have just stated in reply to the First Commissioner of Works, that this plan, which was circulated by the Law Institution, is not accurate as to measurement; would you be good enough to explain to the Committee how it happened that you prepared a plan which you now admit is not precisely accurate?—If I may explain how I prepared the plan for the printer, that will explain it all. This (*pointing to it*) is a copy of the House of Commons map of 1845.

480. Published in 1845 as one of the Parliamentary papers?—Yes.

481. Will you state in what Report it was appended?—The Report from the Select Committee on the Courts of Law and Equity, on the 1st of August 1845. On that map you will observe on the present Parliamentary site for the Law Courts, Sir Charles Barry had delineated his proposals, and it was therefore impossible to show plainly, as was wished by the Law Society, what is shown in this new map, and I cut out the whole of this (*pointing to the plan*). It required to be done in very great haste; I believe I did it in less than an hour; I cut out the present site, and included the whole of this part (*pointing to the plan*).

482. Have you cut out all which Sir Charles Barry has coloured blue by his plan?—Yes.

483. Did that extend between Chancery-lane and Clement's Inn?—Yes.

484. Did it occupy the same as the present Carey-street?—Yes, up to Chancery-lane. I then pasted a piece of white paper on the back of it

it, and sketched in Bell-yard. I did not measure it at all; it was all done in *bona fides*.

485. Will you explain why that process of yours ended in its being a false measurement?—By sketching in inaccurately the space between Chancery-lane and Bell-yard. The only inaccuracy is on the east boundary, which is moved too far east.

486. *Mr. Chancellor of the Exchequer.*] How much too far?—Thirty-five feet, I think; but I may mention that on this very Parliamentary map of 1845 there is an inaccuracy of 30 feet in the width of the site from the north-east angle of Pickett-street to Carey-street, and there are several other inaccuracies in it.

487. Mr. *William Cowper.*] Why did you go through this process in such a hurry?—I was desired to produce the map as speedily as I could by the Law Institution.

488. If you had had more time, you would have taken the measurements more accurately, and been able to give a more accurate statement?—Yes, and we should have gone through the parts where there are black marks, and corrected them by the existing "Law List."

489. Did you understand that the purpose for which that map was to be used was to give a general notion of the two schemes without being considered as a precise and accurate exhibition of all the measurements?—Certainly.

490. Then, you were not told that the minute accuracy would be wanted for this purpose, which would be required in an official map that you prepared on your official responsibility?—Certainly not.

491. Is there any other inaccuracy besides that which proceeds from a wrong measurement of the distance between Bell-yard and Chancery lane?—There are a few inaccuracies in the black marks; but the great majority of them arise from the original map here; they are no longer used as legal offices, though they were in 1845.

492. On what data did you proceed to correct the black marks of 1845?—From memory more than anything else, and I only did it in one or two instances.

493. Did you inform those to whom you gave the map that it was one that could be entirely relied upon?—No, certainly not. I spoke of it as being inaccurate in the shape of the site. I do not refer to that inaccuracy at the east end, but I spoke of other inaccuracies.

494. Is this map (*pointing to another map*) a map in which you show how the site of Carey-street might be used with a reduced building?—Yes.

495. Will you explain how you got the reductions; whether they were made in the width of the quadrangles, or in the width of the buildings, taking now the dimensions from north to south?—From north to south, the dimensions of the buildings were reduced, the north range two feet; then there was an external corridor on the south side of that north range, six feet six wide, that is also struck out. The north inner street, or quadrangle of 50 feet wide, is left untouched. The central block, which I understand from Mr. Street to be 272 feet (it does not measure so on Mr. Street's block plans), I reduced to 265. The south street, which on Mr. Street's plan was 62 feet, is reduced to 50, on the ground that if 50 feet was sufficient on the north side for business purposes, it would be sufficient on the south side. Then the south range, which was 56 feet, I make 52 feet, the same as the north range.

496. Will you state what width you have left for Carey-street?—Fifty-five feet.

497. What width did Mr. Street's approved plan leave for Carey-street?—I understand 55 feet.

498. Do you think that 55 feet is a necessary width for Carey-street?—Well, Mr. Street himself proposes on the Howard-street site, to make the new Howard-street 50 feet wide, although it measures only 45 on the small block plan; I should imagine, therefore, that 50 feet for Carey-street would be sufficient.

499. Then, on the authority of Mr. Street in Howard-street, you would give 55 feet; will you state your own opinion as to the width that a street must necessarily be, when it is contiguous to a building of that character?—It ought to be so that the windows on the ground floor would receive the light at an angle of 45 degrees. Still we know that streets narrower than that are sufficiently wide; the width of the street called Exchange-buildings, behind the Royal-exchange, is only 47 feet.

500. Have you reason to believe that houses erected on the opposite side of Carey-street will be lofty?—I should imagine so, because property will become valuable there, and they will be certain to erect large buildings.

501. What is the width of the new enlargement of Carey-street on the east side?—Forty feet from railing to railing, including the area, it is 46 feet.

502. Do you think that that is a width sufficient both for traffic, and for light, and air?—Yes.

503. So that if we may judge by experience that that is sufficient, you might have brought your reduced plan of building much nearer to the north side of Carey-street than you have done?—Ten feet nearer.

504. If, therefore, it be thought that you have too much encroached upon the block of buildings in your reduced plan, you might add 10 feet, by taking the building further northward?—Yes.

505. Your inner quadrangles are 50 feet?—Yes.

506. Will you just state with regard to the west, what area you have left outside your building, between that and the other building?—Sixty feet.

507. And you think that it might be reduced if necessary?—Yes; I should imagine so.

508. You do not think that 60 feet is an essential width to have on the west of the building?—Not if one were cramped for space.

509. Have you in this reduced plan made any alteration in the height from the ground of the floors of the central-hall in the courts?—No alteration whatever; I did not propose to disturb anything that Mr. Street had done in that way.

510. Earl *Grosvenor.*] You have already stated that this plan which was distributed among Members of the House of Commons to influence the decision of the House, was inaccurate, and you state that it was inaccurate with regard to the Carey-street site. May I ask whether the Howard-street site, coloured lavender, is also inaccurate?—Yes, because it is inaccurate on the original map; the inaccuracy on the Carey-street site was my own fault; the inaccuracy on the Embankment site is not my own fault.

511. You

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511. You stated that it was so coloured in consequence of the report of the speech of the First Commissioner of Works, or of the Chancellor of the Exchequer, as I understood you?—Yes.

512. Will you state what, in the report of those speeches, gave you that idea?—The statement, that it was a space of six acres, and that it was not to extend northwards beyond the south front of Howard-street, and on measuring it (I believe with Mr. Street, at all events he saw it afterwards), we found that six acres necessarily brought the line of the south front out to the very wall of the proposed underground railway, and that was the reason why I coloured it as you see it.

513. But you acknowledge now, that that is incorrect?—I have not measured it; I take it on Mr. Street's own statement

514. Will you explain to the Committee why you marked upon this map in front of this lavender site an open cutting; "railway station; open cutting"?—From the best information that we had; I found afterwards that it was inaccurate, and we struck it out, but not till it had been published.

515. Mr. Field stated yesterday in his evidence, with regard to the description of property round Carey-street, that the houses in Carey-street were of a very low description, and that it was obvious that they must be bought if the Law Courts were put on the Carey-street site; and he also stated that the land would be sold at a very advantageous rate; would not the same thing apply supposing the Law Courts were built upon the Howard-street site; do not you suppose that the land now in possession of the Government on the Carey-street site would also be sold advantageously?—I am not competent to express any valuable opinion on such a question as that. I could only give my own judgment upon it. It is not a question that I have had any experience in.

516. Mr. *Osborne Morgan.*] You stated that the descriptions of the sites upon your plan were inaccurate; will you be so good as to state in what respects they were inaccurate?—I have only had a very short time to look at Mr. Street's report on this matter; I only got it last night, and therefore I cannot go through the whole report. I will only notice the last paragraph: "In conclusion, I ought to explain to you how it is that statements such as those which I have made find no place in the report of the sub-committee presented to the Commissioners on the 10th of June." That refers to these tabular statements of the examination of the three schemes. Now, there was a statement prepared on the subject of light and air, on the subject of the surrounding streets, their widths, the slope of the streets, the kind of traffic that would probably be found there, and also as to the question of cost, and, I think, one or two other things, it was not prepared in time to be laid upon the table of the Commission at that meeting; but it was in the stationer's hands, and when it came in I saw Mr. Street with it, and we had a long and quite friendly discussion on the subject, and settled between ourselves what we should say upon it; and therefore I was a little surprised to find it stated here that I had altogether ignored all these subjects of light and air, when I had carefully considered them, and made a comparative statement between this latter reduced scheme and Mr. Street's two schemes.

517. You were asked about a map which was taken from the map of 1845, showing the position of the different professional offices and chambers in London at that time, you admitted that to be inaccurate?—Yes.

518. Have you had an opportunity of ascertaining, since the map was made, in what respect that map was inaccurate?—Principally in chambers in the Howard-street district, and in the Red Lion-square district, and several others have ceased to be used for that purpose.

519. Have you prepared a correct map showing the present position of things?—I am now preparing it.

520. Have you anything to show in an accurate map in what respect the position of the different professional offices is changed?—No; I had that at the last meeting, but I have not got it now; but the numbers were 99 new houses used for legal purposes, as against 74 or 73 which are now disused.

521. But taking the present position of the different professional offices and chambers, are they, as compared with those shown on the map of 1845, nearer to Carey-street or to Howard-street?—Unquestionably, nearer to Carey-street.

522. Then, so far, the inaccuracies on the map of 1845 are favourable rather to the Howard-street site if that is so?—Yes.

523. What was the position of those houses that were marked black upon the map of 1845, generally, and which are now not used as professional offices?—There were several in Red Lion-square, several in Howard-street, and that district, and several in Thavies-inn, and Barnard's-inn.

524. What was the locality of those chambers and offices which do not appear on the map of 1845, but are now used as such?—Principally in Chancery-lane and Carey-street, and that neighbourhood.

525. How about this reduced plan; you prepared it by the orders of the Commission?—No, not by the orders of the Commission, a mere suggestion which I offered to Mr. Field.

526. For what purpose was it intended; it was not intended to be a guide to Mr. Street, was it?—Not at all; it was a mere suggestion of mine to help in the work of the Commission.

527. Was it considered by you as the only mode by which a reduction could be carried out?—Certainly not.

528. Could you suggest any other mode by which a reduction could be carried out?—I did suggest another mode, and showed it to Mr. Street.

529. Was that by narrowing Carey-street?—No, that was the third mode; the second one was to avoid that irregular west end.

530. I understand that it was merely a suggestion of your own, and not intended to supersede the other?—Not in the slightest.

531. Mr. *Goldney.*] At the meeting of the Committee that has been referred to, all the members of the Commission, including Mr. Hunt, that were present agreed in one thing, that in the main that plan of yours was a reproduction of the map of 1845; I means as regards the resolution in No. 4, which was, "This map is in the main a reproduction of a map made by the late Sir Charles Barry"?—Yes.

532. They all agreed with that, with the exception that Mr. Hunt wanted to add the words "not a copy"?—Yes.

533. And the object of the plan was simply to show

show the position of the two sites generally?—Yes.

534. The actual measurement of that land showed a less quantity than 7½ acres in Carey-street?—I have not measured the whole.

535. With reference to this plan of yours as I understand it, it is merely to show that the original plan of Mr. Street can be placed on the site of Carey-street as already purchased?—Yes, that is all.

536. And you do not go minutely into the building?—It is merely a general suggestion.

537. It does not contemplate any of those bridges of communication across the Strand?—No.

538. Nor does Mr. Street's new plan as far as you know contemplate any communication across the Strand to Carey-street?—No.

539. Mr. *Chancellor of the Exchequer.*] What is the length of the eastern side of this yellow piece from Carey-street to the Strand?—I have not measured it.

540. Do you know what the length of the Howard-street site is from east to west?—I cannot remember.

541. Your plan is wrong to the amount of 40 feet there; you have given 40 feet too little?—At Essex-street? Yes, I think so; I did not know the length of the site then.

542. The length is about 800 feet?—Yes, about that, I should think.

543. Then, your plan was wrong by 40 feet multiplied by 800?—Not by 800, but by the depth of the site, whatever that may be.

544. You did not know what the depth of the site was?—No; therefore I wrote the words "six acres" on the plan.

545. Does it not come to this that your plan has given the yellow part about 21,000 feet too much, and Howard-street that much too little?—I never intended that it shouldbe so.

546. I do not say intended, but the practical effect is that, is it not?—The practical effect, no doubt, is that one is too large and the other too small.

547. *Chairman.*] If I understand you rightly, this plan of yours, when first drawn out, was not intended to be minutely accurate?—Not at all; it was a sketch plan.

548. To show how the various sites lay to one another?—Yes.

549. Mr. *Layard.*] When that map was submitted to the meeting of the Commission, and Sir Roundell Palmer moved his resolution, there was also a statement submitted by you, containing in three parallel columns, Mr. Street's Howard-street scheme of May 1869, for the Howard-street site, his reduced scheme for Carey-street site, and the scheme approved by the Commission, that is your scheme reduced to the Carey-street site?—Yes.

550. That statement was also referred to a sub-committee?—Yes.

551. Is it not the fact that that statement was found to be entirely inaccurate?—No, certainly not.

552. Did it not state, in the first column, that Mr. Street's Howard-street scheme covered 8 acres 1 rood 10 perches?—Yes.

553. Did not the sub-committee reduce those dimensions to 6 acres 3 roods 26 perches?—Yes; there is an explanation of that, namely, this: that on the south side of the new proposed building in Howard-street, there was an inclosure shown on Mr. Street's plans, coloured green, with roadways through it. I had no means of making my estimate except on these plans of Mr. Street's. I naturally concluded that this inclosure was to be inclosed and appropriated, not to buildings to be placed upon it, certainly, but for the site of the Law Courts; and I imagined, from all I knew of the views of the Metropolitan Board of Works, that something would have to be paid for it, and therefore I included it.

554. Was not Mr. Street in the office at the time when you drew up that statement?—Yes, I believe he was.

555. And why did you not consult him?—I do not know that I had any right to do so. I was instructed to prepare certain data for the Commission.

556. In this column you state that this was Mr. Street's Howard-street scheme. I wish to know why, before making that statement, you did not ask Mr. Street, who was in the same office with yourself, whether it was or was not his scheme?—The statements were prepared from the first, with the intention of their being submitted to Mr. Street.

557. Did you not state, as part of Mr. Street's Howard-street scheme, "Total area provided, 180,423 feet"?—Yes.

558. Was not that statement corrected by the Sub-committee, and made 285,000?—You will find that there is a foot-note referred to there under the head of "Office Accommodation." In the first column, opposite the words "Office Accommodation," is a reference to a foot-note, and that foot-note says, "Any floor space that might be provided for offices in the court block is omitted in these measurements." I should add that I saw Mr. Street with those papers in writing, and we went over them together, and corrected them by Mr. Street's enlarged plans, before the Committee saw them at all.

559. Why, before preparing that statement, did you not consult Mr. Street?—Because I was instructed to prepare the whole, and then submit it to Mr. Street, after it was prepared.

560. Mr. *Goldney.*] You were employed by the Commission, and not by Mr. Street?—Just so.

561. Mr. *W. Cowper.*] Are you able to state what were the courts and offices which were in the approved plan, and which you have omitted in the reduced plan?—It omits the Probate, Admiralty, Bankruptcy, Land Registry, Middlesex Registry, Offices for Royal Commissions, and Bar-rooms.

562. What I wanted to know was more detail; what were the number and the purposes of the rooms, as well as the courts that were omitted; have you a fuller list than is mentioned in this Parliamentary Paper?—No.

563. Mr. *Bentinck.*] Is there any court omitted?—Yes; the spare courts, Appeal courts, and Bankruptcy.

564. Then, are you able to tell us whether all these courts which are alluded to in this return are excluded both in your reduced plan and in Mr. Street's plan for the Howard-street site?—They are the same in both.

565. Mr. *Goldney.*] Has there not been some considerable difficulty of communication with Mr. Street since the contest has been going on?—I should not wish to say anything about that.

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566. There has been no facility, has there?—No.

567. Mr. *Osborne Morgan.*] Have you written a letter to Mr. Street?—Yes; stating that I was preparing these tables of comparison.

568. Lord *John Manners.*] I think we understood you to say that you took as the basis of your plan for the Howard-street site, the statement supposed to have been made in the House of Commons by the Chancellor of the Exchequer, that no ground was to be purchased to the north of Howard-street?—Yes.

569. Mr. *W. Cowper.*] The ground plans of your reduced court do not tell us whether you have increased the number of storeys; but in the approved plan have you done so?—No; I have left the building precisely the same.

570. Mr. *Osborne Morgan.*] Will you read the letter which you wrote to Mr. Street?—"Dear Sir,—Sir Roundell Palmer has desired me to say that if you can make it convenient to attend the meeting of the Commission to-morrow it would be very desirable. I have, at Sir Roundell's request, prepared a number of calculations in reference to the several schemes for the new law courts, which, of course, are to be submitted to you for examination, and which it was at one time proposed you should have to-day, in anticipation of the meeting to-morrow; but they have involved more work than was supposed, and it will be impossible, I fear, to let you have them in time to check them before the meeting. You shall have them at the earliest possible moment."

571. Have you the answer?—There was no answer. I saw Mr. Street the next morning, and we had a talk about these tables, and that was the answer, I suppose.

572. Mr. *Russell Gurney.*] What did you mean by saying that there was no facility of communication with Mr. Street?—I would rather not have answered the question. Mr. Street's rooms are on one side of our Commission room, and ours on the other; and Mr. Street has kept his doors locked since he began to prepare the plans for the Howard-street scheme.

Mr. George Edmund Street, called in; and Examined.

Mr. *G. E. Street.*

573. Mr. *Chancellor of the Exchequer.*] You are the Architect for the New Law Courts?—Yes.

574. You have heard Mr. Burnet's evidence just now?—Yes.

575. Is there any observation which you wish to make upon it; it divides itself into two parts, first with reference to the plan circulated in the House of Commons, and next with reference to Mr. Burnet's plan which he prepared on the other side; will you have the kindness to say anything you wish to say on either point?—Well, I think that there is one observation that I may make. My reason for calling attention to the inaccuracy of that site as depicted upon the Law Society's plan, was that I saw the debate in the House of Commons, and I saw that Sir Roundell Palmer in his speech said that the ground admitted of a site of 6 acres with good roads east and west; that, as it was shown on those plans, there were direct roads running from north to south on each side of the 6 acres, and I felt that if that was not corrected and it was not shown how inaccurate the statement was, I should be asked in course of time to put on that piece of ground all that could fairly be put on 6 acres of good building land. I do not think that I have anything more to say on that point, for the accuracy of all my statements has been admitted.

576. Can you state the amount of error of the two sites?—It was stated in my report. The site on the north side of the street, the Carey-street site, as it is commonly termed, has been altered as Mr. Burnet told you by altering the eastern boundary from 40 to 45 feet at various points.

577. What would that give in acres?—Practically it makes a site of that shape, which it is possible to build on, from 4½ to 4¾ acres, instead of the 6 acres written on that plan.

578. With regard to Howard-street, what is the difference?—I have never measured the exact difference. There the error arose entirely from ignorance of what the land proposed was, and from the inaccuracy of the original map.

579. I am not speaking of any blame, but of the amount of error?—I cannot say exactly.

580. It was 40 feet by the depth of this plan (*pointing to the plan*)?—Yes; I do not know exactly what it was.

581. Something not very different from the error on the other side, I suppose?—Not so much.

582. You were instructed to prepare a plan by the Commission, I think?—The original plan.

583. What I may call the great plan?—Yes.

584. Will you tell us as much about that as you think that we ought to know, with a view to understanding the plans now in competition?—That great plan is shown on the map on the other side of the room by the outline marked blue; it contained exactly what was required by the Commission of the competing architects, and it provided for no distant approaches; it provided for sufficient open spaces in the way of inside streets and quadrangles for lighting the whole building, and for all necessary immediate access, and provided for widening Serle-street and Carey-street on the north, and Bell-yard on the east, and for making an opening from Bell-yard into Chancery-lane, and for making a new street between the building and Clement's Inn, most of which is shown by the yellow colour outside the blue line on that plan.

585. What amount of ground did that cover?—I really do not exactly remember the exact amount of acreage; there was 7¼ acres on the original site, and then the additional land, for which a Bill was prepared to go before Parliament, amounted to 3 or 4 acres more, but some of that was for re-sale.

586. Would it have covered the 7¼ acres?—Yes; that and the streets round it would have covered more.

587. What offices would it have contained?—All the courts and the offices naturally connected with the courts; the Appellate Court, offices for all the officers, such as the Registrars in Chancery, the Accountant General, a new department for the registrars connected with the Accountant General, the Vice-Chancellors' Chambers, the Taxing Masters' Offices, Record and Writ Office, and a vast collection of offices connected with the Probate

Probate Court; a space for the Bankruptcy Court and Bankruptcy Registrars and Common Law Masters, and the Queen's Remembrancer, and a number of smaller subordinate offices.

588. And what were the arrangements of the courts and offices on that plan?—The general scheme was keeping the courts and rooms, immediately connected with the courts in the central block, entirely separated by an internal street from the building which contained all the offices.

589. They formed a sort of circle round the courts, being separated by a street?—Yes; over which there were several bridges of communication.

590. What provision was there for light, and air, and quiet?—The provisions were very carefully considered altogether. On the north side there was a bridge communicating between Lincoln's Inn and the building, the height of which above the street would have prevented any very heavy traffic passing along Carey-street. Then on the eastern side Bell-yard was not proposed to be a through thoroughfare, it was stopped by steps at the north of the entrance, so that no carriages could have passed through. On the south side we had the Strand; on the western side we had a broad 60-feet road between Clement's Inn and the building, which would have been guarded by gates at each end, so that it would not have been a public thoroughfare. So that we secured practical quiet on three sides of the exterior of the building, and in the interior no traffic was to be allowed to pass through except to the courts themselves; and there was a good ordinary provision for light and air outside.

591. You had internal quadrangles for lighting purposes?—Yes; streets and quadrangles varying from 50 to 88 feet in width.

592. With regard to approaches, what approaches did you consider it necessary to recommend in the immediate neighbourhood?—I think, perhaps, it would be well that I should read a Report which I read to a sub-committee of the Courts of Justice Commission on July 2nd 1868. "For approaches and for improved lights on the east, west, and north sides of the site the whole of the lands coloured pink on the block plan will be required; and, in addition, the following acquisitions of land ought, in my opinion, to be secured: (1.) Sufficient land to allow of the continuation of the road on the western side of Lincoln's Inn Fields down to Gilbert-street, and thence by a line sloping in a south-east direction to the site of the new building, and so on to the Strand. I have marked the margin of this roadway on the block plan with a dark blue tint; most of this land is already marked green on the block plan." I may mention that all the land coloured green on that plan was land which all the competing architects agreed before the design was sent in would be necessary for the building.

593. That is to the north-west?—Yes.

594. Mr. *Beresford Hope.*] When did they so agree?—At a meeting held at the request of the Commission.

595. Mr. *W. Cowper.*] Did they consider it necessary, or did they desire it?—I believe it was impossible to say, because everybody's plan differed a little, but as far as they could say, talking in that way before their plans were sent in, they all agreed that it would be desirable to have all those green lands purchased; but the Commission, I think, thought that they must wait.

596. Mr. *Chancellor of the Exchequer.*] Will you proceed with your report?—"(2.) On the south side of Portugal-street, a small portion of land should be taken from King's College Hospital to improve the junction of Carey-street and Portugal-street. This will probably be the principal entrance to the building for the judges. (3.) The Cook's-court block, coloured green, is, I believe, to be purchased. When this is done, it would be well to take the opportunity to widen Serle-street." (Serle-street is shown in its present width there. It comes right up to the middle of the building, and I thought it desirable to widen it up to Lincoln's Inn Fields.) "(4.) The land, coloured green, forming the south side of New-square, ought, I think, to be obtained. It would be of the greatest importance to the building if no buildings intervened between it and New-square, and offices and chambers of the same extent might easily be erected on some of the land, coloured pink, between the southern end of Bell-yard and Chancery-lane." (That was land that had also been recommended for purchase.) "I consider the purchase of this land very important." Then the next recommendation (I pass over one, for a subway under Chancery-lane to the Rolls Estate, which was given up in a very early stage of the proceedings) is, "In the centre of the east front of the building, sufficient land ought to be acquired to allow of a large entrance court being formed where carriages and cabs could stand. This might have a gallery round three sides, communicating with the bar corridors, and by a bridge across Chancery-lane just to the north of Serjeant's Inn with the Rolls Estate, so as to allow of the extension of the buildings in this direction, if necessary, at any future time. The whole of the land required for this is outlined with dark blue on the block plan. In order to obtain the necessary approaches to the new Temple Bar bridge, it will be necessary to secure a portion only of the land, coloured green, between Thanet-place and Child's-place. My plan will make it necessary to place the bridge about 10 feet west of the present bar. This will leave the front of Child's bank undisturbed; and I have marked on the plan with blue, the land which ought to be bought in order to make an approach from Brick-court. This can be accomplished, I think, without interfering with Messrs. Child's premises." The Commission, I think, recommended a great portion of those purchases.

597. You reported all these to the Commission?—I think to a sub-committee, first of all, and then to the Commission. At page 248 of the Minutes, it appears that the secretary was ordered to write to the Treasury "a letter in the terms following," and among other things it is said, "The Commission have carefully re-considered the whole subject of additional purchases in conjunction with the architect, and with the light thrown upon it by his plans now made, and the Commission are satisfied, not only that none of the above-mentioned lands can be dispensed with, but that it is an object of great importance to add thereto the ground occupied by Hodgson's Auction Rooms, and the Albion Insurance Office, both in Chancery-lane, and a small portion of the area on the west side of the Law Fire Office adjoining Bell-yard. They are also of opinion, that it would be desirable to include in the compulsory powers Hallett's Tavern, and the land in the occupation of the London Joint Stock Bank, and of the Law Union Insurance Office, all of which are in

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Chancery-lane," and they go on to say, "But in proposing to the Treasury that compulsory powers should be taken for the purchase of these last-mentioned lands (as an economical arrangement in view of the position of the three properties mentioned, and of the probability that they may be at some future time required, when their value will have been greatly augmented), the Commission do not anticipate any immediate necessity for removing the houses now existing thereon, which, until required for public purposes, may be held by the Government as landlords." It was with a view to have the command of that property towards Chancery-lane that they recommended that very large purchase there.

598. Mr. *Hunt.*] What is the date of that letter?—The 23rd of July 1868. I may say that the approach-road from the north has never been approved by the Commission; that is only my recommendation.

599. Mr. *Chancellor of the Exchequer.*] A road from where?—From Lincoln's Inn Fields to the building; both the taking off a corner of Portugal-street, and the making a wide street from Lincoln's Inn Fields to the building, were never approved of by the Commission.

600. Did they approve of all the rest substantially, or were there any other things that they disapproved of?—I think the Commission have approved of everything else.

601. That includes not only the approaches, but the purchases that you recommended?—Yes. I think that includes everything that I considered necessary in order to erect the building.

602. Can you tell me the quantity of land that this was?—I do not know exactly. I have never gone into the quantities of land.

603. Have you the means of telling us that afterwards?—Yes; the fact is, that I have never dealt with the quantities of land. It is easy to measure it; but then of course that new street would be a very large proportion of my recommendation, and it never passed beyond the stage of being a recommendation.

604. In the same way you have nothing to say about the price?—No.

605. Will you tell us why you recommended these purchases?—As I said in my report, they appeared to me to be indispensable for the proper working of the building. That western road from Lincoln's Inn Fields appears to me to be indispensable, because looking to the state of communication in London, from north to south, between Waterloo Bridge and Blackfriars Bridge, if in the course of any alterations it is possible to give another road, north and south, I conceive that it would be an enormous advantage to the metropolis to do so. I imagine that the Commission felt that it would be so great an advantage to the metropolis that they thought it could not be fairly charged to the building.

606. They did not doubt the wisdom of it, but thought it not their business?—I think so, but am not sure that they discussed it.

607. Have you anything further to say on this building?—There is one question of the estimate of land, which I may mention; I do not think that it has come before the Committee that Mr. Pownall's estimate in 1866 for additional land was 488,000 *l.*; but as you will see at page 77 of the Minutes, he foretold that if it was not purchased then, the price would be soon largely increased; and in 1868, when he made another, which amounted to 668,000 *l.*, the estimate for the original land had already been increased by 50,000 *l.*

608. I think that 668,000 *l.* did not include everything; not Cook's-court?—I think that it included the south side, but not the eastern side; not the widening of Serle-street.

609. Will you tell me whether it was on account of the large size of these buildings that you considered these purchases indispensable, or from the nature of the situation of the building, or from what cause?—From both of those causes. It appeared to me important that so large a public building should have, at least, good means of access to it on all sides, and good thoroughfares all round it, and really they were most amply provided for, if we take the whole surroundings on the map. On the western side, you see that we had recommended the purchase of the property south of the Law Institution, and there could be no doubt that if the Government became the landlords, the whole of that would be rebuilt in such a way as not to be offensive to the building. On the north side we proposed to take away all the low houses at the back of New-square; the Commission would not entertain my recommendation of opening the south side of New-square to the building; but they entertained the recommendation of taking away the low houses on the north of Carey-street.

610. Or did they entertain the recommendation of pulling down the south side of New-square?—No, the expense was too great; to the west of Serle-street, we had to deal with a company, mainly of Liverpool gentlemen, who had purchased a great number of the houses, and as far as I remember the agreement with them was that the Government was to obtain powers for the whole of that block of land between Portugal-street, Serle-street, and Carey-street, and to pay them per foot whatever it had cost the company.

611. The company was content to make no profit by it?—Yes; it was a very good bargain for the Government, I think, and I have no doubt for the company too, as they so readily agreed to it. Then on the north western side we proposed to take down all the low houses between the hospital and the building, which are of a very inferior character; and on the western side by a give-and-take arrangement, for which also there was some kind of agreement prepared, I believe, with Clement's Inn, we were to take Danes Inn; and Clement's Inn proposed to rebuild their own Inn on the opposite side of our western approach road. In that way almost the whole surroundings of the building would have been new, in one or two places done at the expense of the Government, but very largely at the expense of private individuals.

612. Will you tell us what sort of property it is that surrounds this Carey-street in general?—Between Chancery-lane and Fleet-street, below the Law Fire Insurance, the properties in Bell-yard are very small. Bell-yard is a narrow alley, and the houses there are small poor houses, not running back far generally, and of an extremely bad kind to have opposite to a public building; on the north side they are not so bad, though they are not quite the sort of building that you would like opposite a public building; but there is nothing very offensive about them.

613. They are lofty, are they not?—No, none of them, because the buildings at the back of the New-square buildings are two storeys in height only;

only; then the New-square buildings are a fair height, but nothing extraordinary; and on the north-west you come into the Clare Market district, which is one of the very worst districts in London, and that was one of my reasons for wishing a road made to cut it off.

614. And the south-west?—That is a fairly respectable district, till you get down to Wych-street and Holywell-street; there the houses are bad.

615. Now, will you have the kindness to describe what the Howard-street site is to the the Committee?—The Howard-street site, I think, is most clearly seen on that map. The line that I propose to take for the building on the Howard-street site is the south side of Howard-street.

616. How far south of the Strand is Howard-street?—220 feet is the present length of the upper part of Norfolk-street; and I proposed, in order to have a command of the levels of Howard-street, and in order to have good buildings on the opposite sides to the Courts of Justice, that the houses on the north side of Howard-street should be taken, and that that should be the line; that Government should take all across a line parallel with Howard-street, but going back a little to the north of it.

617. The depth of one house?—Yes.

618. That was your proposal?—That was my proposal, and to go as far on the east as the eastern side of Essex-street, that is really to the Temple.

619. That is, to take both sides of Essex-street?—To take both sides of Essex-street. Then I proposed that the houses should be taken from Howard-street up to the Strand, so that we might be able to continue the line of the new Essex-street in a straight line up to the Strand.

620. You do not mean the Howard-street that exists now?—No; the proposed continuation of it eastward of the existing street.

621. You propose to take both sides of Essex-street up to the Strand?—Yes, and to alter the line of Essex-street; it is in a very inconvenient direction, not square with the building.

622. Then, what else are we to purchase?—That is the whole, because on the south you have the Embankment.

623. There is the south of Howard-street?—The whole south of Howard-street between King's College on the one hand, and the Temple on the other.

624. Putting aside Essex-street for a moment, which is only an approach, what size will that give you to build upon?—It is 3 acres 3 roods 26 poles of land covered with houses, and 3 roods 33 poles of reclaimed land, making 4 acres 3 roods, very nearly 5 acres.

625. Lord *John Manners.*] For the purpose of building that is?—Yes.

626. Mr. *Beresford Hope.*] Is that including courtyards?—Yes, the land inclosed within that outline on the map.

627. Mr. *Layard.*] That part coloured violet on the map?—And the part marked white; there is a very large quadrangle included in this amount.

628. Mr. *Chancellor of the Exchequer.*] How would that site be bounded on the west?—By King's College.

629. On the east by the Temple?—Yes.

630. On the south by the Thames Embankment?—Yes.

631. On the north by the new street?—Yes, by the new street, of which Howard-street forms the basis.

632. What do you think of this site, of its merits and demerits as a site?—I think it is an extremely good site for building.

633. Will you state why you think so?—Because the light and air are extremely good, and the approaches seem to me to be good, and I think that the opportunity of architectural effect would also be good.

634. There are three heads there, first with regard to light and air, and quiet, why do you think that they would be good there?—Because on the south side you have an enormous opening, the whole width of the river. On the eastern side, to a considerable extent, you have the garden of the Temple. And on the western, though the opening is not so good, you look on to the back of King's College, which stands back some distance from the boundary of the street, and a good many of the buildings being low, the new Courts being about 90 or 100 feet from Somerset House, would have also the advantage of light and air from the river on the south side.

635. Are you of opinion that it would be lighter than the Carey-street site?—My opinion is that it certainly would be, as you have much less interruption by means of other buildings.

636. Now, as to the question of access, what access is there to it?—The access is singularly good to this site; in the first place there is the Thames Embankment.

637. What access is that?—The Thames Embankment gives you the great access on the south to the building.

638. It is a road 100 feet wide?—Yes, it is a road 100 feet wide; it is connected with the new road from the Mansion House, which is just a mile from the corner of the building on the Embankment, and it goes on to Westminster, which is just another mile, Then, of course, there is the railway on it, which, making the circuit of London, enables people, if they choose, to come by railway from all parts of London to the south side of the building. Then, there is the access by the river also, which is also important, I presume. There is easy access from the south side from Southwark, by Waterloo, or Blackfriars Bridge. Then the access from the north is the point on which, I think, most explanation is wanted. I noticed that Mr. Field, in answer to some question, observed that the access from the north to both sites is exactly the same. I do not think that is quite accurate, because if anybody arrived at the North Western Station, and asked a cabman to drive him to Norfolk-street, he would take him down Gower-street and Drury-lane, or down Tottenham Court-road and Endell-street, and so into the Strand, for you have certain roads which are quite passable there without taking people through the sharp little turns of Little Queen-street, Great Queen-street, and Portsmouth-street. Then, from the east and north-east you can hardly conceive anything much worse than the communications with Carey-street. Chancery-lane is only 20 feet at the narrow part, I think, and a great part of the traffic to the Carey-street site would come down that way. To the building here in Howard-street a certain portion of it would, no doubt, come down Fetter-lane as well as Chancery-lane.

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lane. This is an almost equally bad street; but it is better to have two bad streets than one. Then there is a probability of people coming by the Embankment to Howard-street. I think that a cabman driving from the new Smithfield Market would save time if he were to go down under the Holborn Viaduct and along Farringdon-street until he got to the Embankment. The road from the City to the Embankment will be a road on which everybody may travel rapidly.

639. From its great width?—Yes; as there cannot be a great number of shops or warehouses on the road, there would not be the sort of traffic that there is along Fleet-street or the Strand.

640. Now, on the west?—On the west the traffic would come mainly along the Strand and the Embankment. From the whole south-west it would come by the Embankment, from Victoria-street and the other side of Westminster Bridge, and so forth; but from Piccadilly and that part everything would come into the Strand.

641. Do you contemplate any approach from Wellington-street?—From Wellington-street to the building I propose to avail myself of the terrace which exists in front of Somerset House, and which is already a carriage road with a foot-path on each side of it. It is a level of about three feet below Wellington-street, and by a slight alteration this could be made a carriage-way to the angle of the new building.

642. It is suggested that the railway being close to it would be a nuisance to the building; what do you say to that?—Undoubtedly it is a difficulty; I think that, with the assistance of Mr. Fowler, the engineer, I have made such an alteration as will prevent its being any great difficulty. That plan on the wall, I think, shows more clearly than any small plan what the old scheme of the railway was. There was a very large station in the middle of the Embankment, and a rising road on each side of it, which led round to the ends of Norfolk-street, Surrey-street, and Arundel-street. The rising road did not inclose an open cutting as the Law Society's plan says, but what Mr. Burnet, when he drew the large plan, very properly called a garden. I felt that if that railway station were to be built there it would be fatal not only to the building of such a large building as the Courts of Justice on the site, but to the building of anything really good there. I saw Mr. Fowler as soon as I was consulted on this site, and afterwards the chairman of the railway company, and Mr. Fowler, at my suggestion, proposed an altered scheme for the railway. What was originally proposed was an enormous opening of, I think, 15 feet by 150, which was placed in the very front of the intended line of the building. This is Mr. Fowler's Parliamentary plan (*producing it*), and he had stations and terraces all the way round; he has consented, instead of having that opening there, to have three openings (*pointing them out*), one here (*pointing to it*), and another which includes the station here at the south-east of the building, and another small opening here to ventilate the station and light it. The latter comes on the reclaimed land which is the property of the Middle Temple, and the Benchers of the Middle Temple have no objection to an opening of that kind on their ground. The evil is reduced so much that I do not now feel that it is a serious objection to the scheme.

643. How do you consider that those changes obviate the evil?—Because the opening is so small, and part of the opening is removed from our own land on to the land of the Temple; and, moreover, I have put it in front of a great opening which I have formed in my building towards the river. So that there are only two portions of the building which would be at all affected by it.

644. Then you are of opinion that the approaches are good upon the whole to Howard-street?—Extremely good.

645. There is the question about crossing the Strand for those who live north of the Strand; have you anything to say as to that?—I thought that it was extremely desirable to show that the admitted difficulty of crossing the Strand could be got over if the necessary powers were taken. The most convenient place for crossing the Strand to this building from the north, would undoubtedly be Essex-street, which would be just in a line with Serle-street; and therefore I have no doubt whatever that in laying out the land on the north side of the Strand, supposing that the Embankment site were adopted, a broad street would be carried from Carey-street down to the Strand.

646. Through the middle of the piece of land, now the property of the Government?—Yes, that would be the inevitable way of laying it out as a question of sale, and the width of the Strand would be so great there, that if everybody were to attempt to cross, it would be a great difficulty. It would be something like 175 feet there between the buildings on one side and the buildings on the other. The levels of the ground, as I have stated in my report to the First Commissioner, would allow of making a tunnel from Howard-street to the north side of the Strand, and then ascending to the Strand by stairs, so that by a tunnel you get over the necessity of crossing for people who choose to go on the level. Then, again, it would be very easy to contrive an arcade, which, starting from the north side of the Strand, at about 10 or 12 feet above the level of Carey-street, would take you across the Strand and bring you to the floor above the courts. That is to the level of one of the highest floors in the building in Howard-street (*describing it on the plan*).

647. Mr. *Layard.*] Do you think the most profitable way of laying out this ground would be to have a wide street in the centre; supposing it were possible for a company to buy this land, and lay it out for chambers, they would naturally, in order to use it to the best advantage, lay out streets?—Yes.

648. *Chairman.*] It would not follow that they would make it as wide a street as is proposed here, or in the same situation?—It would almost follow unless some one company wanted to put some one building on the whole site, for a railway station for instance.

649. Mr. *Layard.*] The Government in selling that land might make its own conditions?—Yes.

650. Lord *John Manners.*] Might not the conditions contemplated being imposed by the Government diminish the value of the land as a building speculation?—I do not think that it would diminish it the least in the world, except on the supposition that some railway companies who wanted to use the 7½ acres of land (as suggested by Mr. Beresford Hope) should be the purchasers of the land.

651. Might you not conceive other large speculations,

speculations, a market, a bazaar, or any other great building of that sort, which might be injuriously affected by a condition that would necessarily run this wide street down there?—No, I cannot think so, because the great difficulty of selling this land, if you provide no thoroughfare through it, would be that you would get no respectable people to live on it.

652. What thoroughfare would there be, unless much larger street alterations are made to the north of Carey-street, than would properly apply to the erection of law courts on either side of the two sites?—I assume, as a matter of course, that if Government made a broad street from the river up as far as Carey-street, and as a broad street exists for more than half the way already beyond, that it would be impossible to refuse the concession as a metropolitan improvement of widening Serle-street, and opening Great Turnstile at an expense of 120,000 *l.* or 130,000 *l.*, I suppose. This plan also shows the arrangement of the tunnels and the passages (*describing the plan*). Then, here on this level is an arcade, somewhat like the Rows in Chester (*describing it on the plan*). I have no doubt that that sort of condition would not really affect the value of this land for building, because people who would have the advantage of using it for chambers and so on, and would gladly build the necessary passages if Government made it a condition.

653. Mr. *Chancellor of the Exchequer.*] You said that you would take both sides of Essex-street; will you tell us why you think it necessary or advisable to do that?—Because it appears to me that to stop Essex-street at Howard-street would be exceedingly inconvenient. People would come from the Embankment up this fine new street, 60 feet wide, and when they got to the north-east corner of the building they would have to turn round and find their way up to the Strand by Arundel-street, Norfolk-street, or Surrey-street. It is true that they could do that, but it would not be a convenient thing to do, and I consider that, though the lengthening of New Essex-street up to the Strand would be, no doubt, an enormous metropolitan improvement, still it is also an improvement which would be necessary, if any public building is to be put on this site, to give an easy access to it.

654. Supposing that were not done, would these courts have bad access; they would still have three streets, Norfolk-street, Surrey-street, and Arundel-street?—Yes, four streets, including Milford-street, but two of them bad; Essex-street is rather narrow at the opening.

655. However, that improvement is what you recommend as an architect?—Yes.

656. Have you anything more to say on the subject of access?—I think I have said all on that.

657. Now we come to the next head of the matter, the architectural qualities of this site; what have you to say about that?—I have a very high opinion of the advantages which the site offers.

658. Will you state why?—Of course the main architectural effect of the exterior of the building will be from the south side, the Embankment. It is always an advantage to have the principal architectural effect in this country with a southern aspect; you never have too much light and shade here. The lie of the ground is very peculiar on the Embankment; the Embankment roadway, as you will see from these plans, is on a very considerable curve, and it is almost indispensably necessary in arranging the front of the building to suit that curve, that the front should be irregularly broken; in some degree, I think that it would be a very great advantage, and the more so as it follows after the unbroken façade of Somerset House. I can understand a popular objection being taken (as it has been taken I believe already) to putting any building in continuation of Somerset House which is not in a line with it; but if the Committee will look at that plan they will see immediately what the result of building in a line with Somerset House would be; that your building would run away from the river, from the Embankment, and it would be as unsightly to have a great public building taking an entirely different line from the curve of the Embankment as anything you could conceive.

659. It would be like a tangent drawn to a curve?—Yes. At the same time the Metropolitan Railway in front of Somerset House goes under the road which is 100 feet wide, and wherever the railway station is to be made, owing to the very slight dip below the ground of the Metropolitan Railway, it is impossible to get a passage for passengers over the trains, therefore they must pass outside. The consequence is, that I have had to move the railway up to that point which you see marked on the plans, and it defines exactly the extreme point southward to which the building can possibly come. At the south-east angle the angle of the building comes as near as it can to the railway, and that is 180 feet back from the front of the river. The south-east angle of Somerset House-terrace is 143 feet from the Embankment. I have taken the terrace line of Somerset House as the building line for the new courts; I did it not only because I wanted the width from Howard-street down to the southwards, but also because, as anybody will see who walks along the Embankment, if the building was set back behind the line of the terrace, nothing would be seen of it as you came from the west, it would be entirely concealed by the terrace. The terrace is about 35 feet above the Embankment, and so large a feature that it appears to me to be a natural line from which all building ought to proceed.

660. You think that it is bad abstractedly, without reference to convenience that it should be in a line with Somerset House?—Most fatal; then it was proposed by some people that there should be a continuation of the Somerset House-terrace in front of this building; that would involve enormous expense. Somerset House-terrace practically conceals the two lower storeys of Somerset House, and I could not afford to sacrifice that space; and then again the terrace decreases very much the apparent height of the building. I was obliged to make use of the whole height in order not to waste money in building up unnecessary foundations, and I proposed to regulate the height of my building by the height of Somerset House, making the height of my parapet the same as the height of the parapet of Somerset House. I feel that whatever I may say about Somerset House may be said by some people to be an opinion that ought to be taken *cum grano*; I confess that the river front of Somerset House does not appear to me the best part of it; I have always felt that the Strand front is the best of it, with the view

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looking into the quadrangle. The river front seems to me to owe its importance very much to the beautiful colour of its stone and its great length; but I should like to read a very short extract from what Mr. Fergusson, who is generally accepted as an authority in these matters, said in his History of Modern Architecture some four or five years ago of Somerset House, speaking of the river front, "The river front, however, was Chambers's great opportunity, but it unfortunately shows how little he was equal to the task he had undertaken; to treat a southern façade, nearly 600 feet in extent, in the same manner as he had treated a northern one only 132 feet long, was about as great a blunder as an architect ever made; no wonder that it looks hardly as high, and is not more dignified, than a terrace of private houses in the Regent's Park or elsewhere: this is the more inexcusable, as he had 100 feet of elevation available from the water's edge, without adding one inch to the height of his buildings, which was more than sufficient for architectural effect, if he had knowledge to use it; even with the terrace as it is, if he had brought forward the wings" (I wish you particularly to notice this) "only to the edge of the terrace, and thrown his centre back 50 or 100 feet, he would have improved the court immensely, and given variety and height to the river front, and then either with a cupola or some higher feature in the centre, the worst defects of the building might have been avoided." Now, I have read that extract from what Mr. Fergusson says, because it has been objected that the angle of my building will project in advance of Somerset House 80 feet; I think I have seen Mr. Pownall states it in some report. He is a little inaccurate there; the difference is about 50 feet, exactly the width of the terrace at the point of junction; but if you look on this plan at the whole curve of the river, you will see that the curve is so favourable that anybody coming along here (*pointing to the plan*) on this eastern part of the Embankment, will never have any part of Somerset House concealed by a building projecting as much as that only. There is a space of 92 feet between the angle of Somerset House and my building, and this point projecting only 50 feet (*pointing to the plan*), the effect of this curve is that only about 40 or 50 feet of the building is obscured at the worst, and from this side (*pointing to the plan*) you see the whole of the building perfectly. This little projection will not appear to set the building back or throw it into the shade.

661. Mr. *Layard.*] May I ask you what is the projection of the west side of Wellington-street, which is marked pink on the map; it would be about the same as your building, would it not?—I am not aware; on the same point I should like to say, also, that is impossible to lay down iron rules as to whether buildings are or are not to project a little nearer the water's edge than other buildings near them. If you take some of the finest buildings in the world you find the rule set at naught. For instance, the ducal palace at Venice stands on one side of the piazza, and stands 50 feet further from the water than the library of St. Mark. Nobody ever felt that either building looked the worse; just in the same way, also, St. Mark's Church itself stands in advance of the palace. Then, again, the very effect of my design would be just that which Mr. Furgusson has pointed out, that dispensing with the terrace my building would look much loftier than Somerset House. I think the suggestion which he makes about an improved lantern or dome in the centre of Somerset House would cure that. But a small building by another that is loftier is not necessarily injured by the fact. We all know how well the Traveller's Club looks standing close by the Reform Club; it does not appear to me to be affected by the fact that the building by its side is loftier; and I might also give the example of the Bank of England and the Royal Exchange. Good architecture always asserts itself, and it does not signify to a building that another near it is loftier.

662. Mr. *Chancellor of the Exchequer.*] It is objected that this is down in a hole, what do you say to that?—"Down in hole" is a strong statement; seen from the south, of course it is up on the hill; seen from the north, the Strand, it has a certain disadvantage in having its front ground line 10 feet below the level of the Strand. On the other hand, we must remember that, as I suppose there is no prospect whatever of that ground ever being cleared from Howard-street up to the Strand for the purpose of forming a courtyard up to the building, because the site would be so enormously expensive (at the present moment I am told it would cost 1,000,000 *l.*), the only views of the building from the Strand would be views down a street, and, seen in that way, it matters very little whether you are looking down upon it or not. I could quote examples, if it were worth while, of buildings which you do look down to in that way, and where nobody feels that they are much the worse for it. I remember particularly the north transept to the cathedral at Toledo, which one looks down to, one of the most picturesque views possible; and, to give another instance of a different kind, I think that the view which Longleat presents, where one looks down to the house, is singularly beautiful, and not much affected by the fact that the spectator stands above the house. My opinion is, therefore, that as there is no apparent chance of there being a great open place in front of it, the descent is not a serious objection, though, on the whole, I would rather the ground were level.

663. Turning to the other side, what do you think of it as an object in London?—It would have a very important effect there if my scheme is carried out, because the views of that site, as the Committee may satisfy themselves if they go to look at it, are singularly good. Even from the hospital opposite to this room, or from the Surrey side of Westminster Bridge, you can see Somerset House, and you see the Temple Library. From this point the gap between these two boundaries of the site seems really to take in a third of London almost, it looks so much larger than it really is; and you would see this building rising with high towers, and high gables, well from here in spite of the bridges. From Waterloo Bridge it would be a singularly good view, for this reason: that Waterloo Bridge is 37 feet above the ground level of the Embankment, so that you get naturally what, when I made my competition design for this building, I was obliged to get artificially. In order to show the whole scheme, including the great central-hall rising above other buildings, I was obliged to take a bird's eye view, which is entirely an imaginary thing, but from Waterloo Bridge you do get, to a great extent, the effect of a bird's eye view. Rising behind

behind the lower buildings, at the front, you see the higher buildings at the back; and it is difficult to conceive a site where you will see the buildings better, both from the ground line and from a line above. The view in a distant view of London, would not be so good as of a building in a higher site, in my opinion; but still, if my plan is carried out, the buildings are so high that they will still be seen rising above the general block of houses (*describing it on the sketch*). Here is a similar sketch of my first approved plan, for building on the Carey-street site (*producing it*). There is a difference of 22 feet in the elevation above the Embankment on the two sites (*pointing to the plan*).

664. There is a difference of 22 feet between the level of the building on the Embankment site and the Carey-street site; that is to say, Howard-street would be 22 feet lower than Carey-street?—Yes.

665. Mr. *Beresford Hope.*] The southern line of each?—The real line from which all the buildings are taken; that is, practically, the floor of the central-hall.

666. Mr. *Chancellor of the Exchequer.*] It was said that the courts were to be on the ground floor, and that arrangement was found fault with; is that the case?—They are not to be on the ground floor in any of my plans; I quite agree with Mr. Field that the first floor is the proper place for the courts.

667. Mr. *Goldney.*] When your two designs were originated, there was only 22 feet difference from one given point to another given point?—Yes.

668. Mr. *Chancellor of the Exchequer.*] Have you any other point to mention upon the levels?—There is one point as to levels; the great slope of ground on the Embankment site and all the way down gives the advantage which that section, the drawing of the bridge and the houses in Essex-street, showed you; it gives the advantage of enabling people, with a very slight ascent on the north, to find themselves very high in the building in Howard-street, and also of being able to get entrances at several levels. There is a difference of 23 feet between the south side of the building on the Embankment and the north side in Howard-street; so that you might have some office entrances on the Embankment which would give you an entrance two floors below the level you can enter on at the north side; and in that large quadrangle shown on the other plan you can get other entrances, so that there are three different levels for accesses.

669. You propose some access from the Temple?—I have not proposed it, but it would be very easy to give a bridge across from Fountain-court, in the Temple, to Howard-steeet; and I may mention, what I have not mentioned before, that I should not propose to build up opposite Howard-street in front of Fountain-court, because few things would be more charming than looking into that court, with its old hall, which is exactly on a line with the north side of the building. It would be quite possible, if it were thought desirable, to carry a bridge across from the Temple into the building.

670. Have you anything more to say on the purely architectural question?—No, I do not think that I have.

671. Now on the question of the foundations. It is said that they will be very expensive; what do you say to that?—I have taken a good deal of pains to ascertain, as well as one can without boring, the nature of the foundations there. We have an unusually good opportunity of ascertaining that now, owing to the works in progress for the Embankment and for the railway; there have been borings taken all the way along the front of the Embankment for the purpose of building the Embankment wall. First, below the bed of the river, there is soft muddy sand, and then sharp gravelly sand, and then sharp gravelly sand and gravel or clean gravel. The works on the eastern division of the Embankment which I have carefully examined, convince me that if we decided that we should carry down foundations to a depth of 25 feet below the level of the roadway, we should secure perfectly good foundations. Of course, there is a little guess-work in it; but every one connected with the Embankment work says that 25 feet would be more than enough. The clerk of the works on the works told me that at 20 feet down you can get everything that you possibly want. I have assumed 25 feet; in short, that we should have to put along the whole front of the building towards the Embankment a bed of concrete 25 feet in depth, by 50 or 60 in width.

672. This site is inferior to Carey-street in point of foundation, I suppose?—I apprehend that you would have to make a greater amount of foundation there than in Carey-street.

673. Is there anything that counterbalances that?—Yes; there is the very great facility of building; you would be able to build on this Embankment site without any interference whatever with the traffic of London. That is one great advantage, of course. In addition to that, you would have a great economy in being able to land all materials from the barges, and run them in by steam power on to the site of the building without any use of carts or horses. As far as I can form an opinion, I should say that the advantage to the building of building on that site might be calculated as being five per cent. on the whole cost of it, or something of that kind. I think that that would be a very moderate computation of the advantage to a contractor.

674. Mr. *Mowbray.*] After deducting the increased cost of the foundation?—No; I have always, speaking roughly, been in the habit of considering that one might be set against the other; but now measuring the foundations accurately with the data that I have, it appears to me that the cost of foundations for that part might be 20,000 *l.*, and the advantage to the building 45,000 *l.*; but still, one would rather leave a very large margin for the cost of the foundation there, and that led me to mention the figure I did. I may mention that the rails of the Metropolitan Railway are 17 feet 6 inches below the line of the Embankment, and I propose that the foundation should be carried down 25 feet; of course, when we come to build or bore, and find out exactly the nature of the foundation, we might in some places have to go a little deeper; but I should be inclined to recommend that in no case should you go less than 25 feet, because I think that some such depth of foundation below the line of the rails would be if not necessary, at least very advantageous, for the purpose of preventing vibration in the building from the passing of trains.

675. Mr. *Chancellor of the Exchequer.*] Is there anything more on the structural question that you wish to say?—No, I think not.

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676. Now we will pass on to this building as compared with the great building that you described to us before. What is omitted in this that was in the great building?—We have omitted three Courts of Justice, the Probate, and Admiralty Offices, the Land and Middlesex Registries, the Accountant General's Office, the large refreshment department, offices for Royal Commissions, and office for Bankruptcy Registrars.

677. What three courts of justice do you omit?—I can hardly tell you; there were some spare courts in the original scheme, one very large spare court, and two others, and those would I presume be the three courts; I may say about the reduction of the building that I have been obliged to act in the matter as if I knew exactly what would be required here; but as the reduction is accepted in the reduced plan of the Commission, I presume that I was not very far wrong in presuming that that was the sort of reduction that ought to be made.

678. Then as to the arrangements with reference to the shape of the site, do you alter the arrangements which you made of the offices about the courts, so as to make it like Saturn with his ring?—Yes; I was able to adopt that arrangement in the Carey-street site, for we had there a depth of 500 feet from north to south. When I had to deal with a site of a different shape, 280 feet from north to south only, I was obliged to make an entirely different arrangement, and the arrangement, I dare say, has been seen by all the members of the Committee, on these block plans. It consists of putting a central hall, with the courts around it, and the rooms beyond the courts on the western part of the site, providing the greater part of the office accommodation in a large eastern quadrangle, on the eastern side of the site, so that the bulk of the offices may be said to be together, being connected at one end with the courts, instead of surrounding the courts, as they did in the other case. One difference is, that I have a very large amount of office accommodation also in the central block. I thought that we might put the whole of the Vice-Chancellors' chambers there, probably, where they would be in immediate connection with the Judges' rooms below; and I provided by making large staircases for much better access to them, and other alterations of detail.

679. You consider that that is an improvement as to the Vice-Chancellors' chambers?—I think that the Judges will consider it an advantage; they will be in immediate connection.

680. Can you state anything that you lose by the Embankment site in the way of arrangement?—Yes. Supposing that there was sufficient space for light and air between the block of courts and rooms connected with them and the offices, I think that my old plan, the large plan, was better than this.

681. On the other hand, you gain in some things?—On the other hand, I gain very generally in some things. In all the offices I gain better light by putting them round one large quadrangle, than I had in the other site, where I had placed them round narrow streets.

682. Is it true that you have not a dark passage in the Howard-street building?—I believe that throughout the building everywhere I have provided for light directly from open areas; but, in planning this building, I have been able to give increased width in the central block. In the other, I had to squeeze everything from north to south; in this site I have not been so much pinched for space; the consequence is at Howard-street I have some 8 feet more in width than in the approved plan. The consequence will be seen at a glance; you will see that the open areas between the courts is 20 feet by 21 feet in this case; and in the other, 21 feet by 27 feet. Then I have also been able to get a much better arrangement of the jury rooms and staircases, and all the corridors round that part of the building (*pointing to the plan*) are far better lighted. It seems a small difference, this of 8 feet, but it just gives me the power of getting a lobby at the back of the court, which would be very convenient for the judge, and give much more light. I think that is the main difference of convenience. Then, I should say also, perhaps, that these plans contemplate, as the plans in the Carey-street site did, a very large number of consultation rooms for the use of solicitors and barristers; and, if you inquire, I believe you will find that at the present day there are no consultation rooms whatever in connection with the courts. Barristers who want to have consultations have to go to their chambers for them. At Westminster, I believe the man who keeps the robing-room lets them use a room, and people carry on consultations at very great disadvantage. In this building there will be a very large number of consultation rooms in the immediate neighbourhood of all the courts.

683. The courts are to be all on the same level, are they not?—There will be 18 courts on the same level. If it is considered desirable to add to those courts a Bankruptcy Court (for there is no provision for a Bankruptcy Court in that main block), it seems to me to be a court which might be treated distinctly; it always has been so; it was in the large plan. I do not know that it is important that it should be on the same level; but the rest of the courts are on the same level.

684. Every court forms a complete unit with the offices connected with it?—Yes, and they are precisely the same in arrangements, so that anyone who knew his way to the rooms in connection with one court would know his way to the rooms in connection with every other court throughout the building. That has been held to be very important by the Commission as looking to the possible fusion of law and equity, and having the same course of proceeding in all the courts.

685. Have you formed any sort of guess as to what this building would cost?—I have made a rough estimate, but it is only a rough estimate. It is calculated on the system of measuring the cubical contents of the building; and I have taken the same price per cubic foot which Mr. Gardiner took in estimating the design which I made in competition for Carey-street (he was employed by the Government to make estimates of them all), and, taking his price, the total cost of the building would be about 900,000 *l.*, including the foundations.

686. That has not yet been submitted to the officers of the Board of Works?—No.

687. That is your view of the expense, supposing you carry out the views that you have laid before us?—Yes.

688. Is there anything else to say on the Howard-street site?—It will be necessary, no doubt, in such a building to have facilities for cabs to stand in the immediate neighbourhood, setting down at different doors and turning back again.

again. That remark ought to have come under the head of access, perhaps. It will really be very well provided for; traffic would come down through so many streets along the Embankment to the building, and there is plenty of room all round it for very long cab-stands if they were wanted.

689. Now we will pass, if you please, to the scheme that you have prepared, at the direction of the Chief Commissioner of Works, for putting a smaller building on the Carey-street site; your direction, as I understand, was to put down a building with the same contents as that projected for the Howard-street site?—Yes; I ought to read perhaps the first paragraph in my report on that subject, which really states exactly what the condition was: "I proceed now to give a similar explanation of the plan which I have prepared to show how the already purchased land between Carey-street and the Strand may be used for the New Courts of Justice, without the purchase of any additional land whatever; in the instructions which I received from you to prepare this reduced sketch plan, you requested me to bear in mind that the ascent to the court level by staircases from the street must be of no greater height that would be the case on the Embankment site, and that the same facilities for carriage access, &c., must be provided on the one site as on the other. The plan I have prepared fulfils these conditions as far as possible, I believe, and may be considered under the same heads as that for the Embankment site." The consequence was that I had equally on this site as on the other, in order to obtain the same amount of light and to improve the lighting and arrangement of the central block of courts, the judges' rooms, and jury rooms, and witnesses' rooms, and all the rooms connected with them, to widen that block and so to give up the arrangement of a central block surrounded by streets with buildings on the other side of them.

690. And how have you done that?—Owing to the irregular configuration of the ground I was obliged to move this large block of buildings more to the north. You will see, by a glance at the plan, that it was impossible to put it anywhere else. The point where the land pinches is on the south-west, the boundary of Clement's-inn (*describing on the plan*).

691. I understand the shape of the land to be rather unfavourable for the purpose, taking the problem as it is given to you?—Extremely unfavourable, because of the extreme irregularity of the whole western outline. Then I arranged the offices, partly on a block of buildings occupying the north-western angle of the site, and partly round a large quadrangle on the south side.

692. The same offices as you would put in Howard-street?—The two buildings would hold just the same.

693. And you have made the best arrangement that you could?—I think that the rooms and courts in the great block of courts are better arranged than in the approved plan, and the offices I have arranged as well as I could.

694. You mean, when you say better arranged, that your experience has given you new ideas?—Yes. Since I drew that plan I have had six or eight months for thinking of very little else.

695. As regards light, air, and quiet, comparing the reduced plan for Carey-street with Howard-street, how do they stand?—In my opinion the light in Carey-street could not be as good as it would be on the other site; the building is much more hemmed in by other buildings than it would be in Howard-street.

696. What do you say of the ventilation?—The ventilation would not be as good either, because no doubt the current of air passes up and down the river, and if the river is pure facilitates natural ventilation immensely; and on the Clare-market side of Carey-street, as I mentioned, you have a neighbourhood which really, on sanitary grounds, one may say, for the sake of London itself, ought to be swept away; if you walk through it your nose tells you at once that you are in a bad neighbourhood. We should have to come upon that unless more land is purchased.

697. With reference to quiet, what do you say?—The greater part of the site would be noisy. The quadrangles themselves would be quiet enough, and the whole western side of the building would be quiet. Carey-street would be noisier that it would be on the arrangement we had for the great plan, because there is no bridge provided to Lincoln's-inn, and consequently nothing to prevent heavy railways waggons passing through it; and I think that it is absolutely necessary that Bell-yard should be made a thoroughfare throughout, partly because the rights of the owners of the property on the eastern side would make it impossible to stop up the road.

698. Then in light, air, and quiet, you hold it to be inferior to the other site?—Yes, very inferior to Howard-street.

699. Do you think that you would hear the noise of the Strand in Howard-street?—Nobody would be conscious of it.

700. Then we come to the surroundings, that is much the same as you told us before, as regards the great plan?—Yes, that would be much the same.

701. And the courts and alleys?—The courts and alleys are important, because I feel that if this building is put on this site, it would be impossible to go on without altering the access to it. Thus on the north side of the building, you must widen, I should say, Serle-street; but either Serle-street, or the west part of Carey-street and Portugal-street. As it is now you have nothing but narrow passages to pass through to get to the north side of the building. I have a note of the width of these streets, which lead to it. For instance, Little Queen-street is 27 feet 8 inches wide, Great Queen-street is 26 feet wide only, and you have to make two sharp turns there in coming from Holborn. Then, if you continue along that road, Portsmouth-street is 18 feet wide only, at the corner of Portugal-street, at the continuation of the western side of Lincoln's-Inn-Fields.

702. Do you mean under an archway?—No, that is another street; that is Duke-street; that is about 12 feet wide; then, if take the other mode of access, that is to say, if you give up Portsmouth-street, and Portugal-street, and Carey-street, you must improve Serle-street, because Serle-street is only 26 feet 10 inches wide, which is a very miserable street, to form one of the principal accesses to a great building of this kind. To the east, Chancery-lane, at the narrowest point (which, of course, is the test of the whole thing), that is, at the Holborn end, is only

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only 20 feet in width; there is only room for one vehicle to pass at a time.

703. And it is a great thoroughfare already?—A very considerable thoroughfare.

704. You have stated what purchases you recommended as necessary for the larger plan; now are there any of those purchases which the reduced plan would render unnecessary, in your opinion; can you point out anything which would be saved in the way of purchases by the reduced plan?—I think there is very little that could be; I think that it would be still most important to make an opening from Bell-yard to Chancery-lane on the reduced plan, and that it would also be most important to purchase the property at the southern end of Bell-yard; I should assume that you would purchase the greater part of it for re-sale, sacrificing, no doubt, some of the frontage; that, I think, would be absolutely necessary; it is only a question of time; if you built there you would certainly have to rebuild on the other side afterwards.

705. Is there not a good deal of this property that could only be obtained by Government, and never by private purchase?—Yes, a great quantity.

706. Why is that?—The property is very much subdivided; you will see on that plan behind you that there is a small court east of Bell-yard, between Bell-yard and Chancery-lane, called Apollo-court, which is a court and passage leading all the way down to Fleet-street. Now, supposing you buy the buildings at the back of Apollo-court, you cannot stop till you come to Chancery-lane; you must purchase the whole there in order to be able to sell to any advantage. Then on the north side, New-square, you will find from the book deposited in connection with the applications for the purchases of that property, that each house belongs to some 13 or 14 different people; every floor almost is a freehold, and consequently the Inn never would be able to buy it, unless they came with compulsory powers. So also, in the case of Cook's-court, it would be very much to the advantage of everybody that the scheme relating to Cook's-court should be carried out, but it could only be carried out by compulsory powers, because some of the houses belong to lunatics and some to people who will not sell. On the western side, I believe, there is not the same difficulty.

707. Do I rightly gather, that the same reasons which induced you to recommend the purchases which you did recommend for the larger plan, apply to the smaller?—On the north and east certainly; on the west, I imagine one would have to modify one's recommendation.

708. Supposing the reduced building to be placed on the Carey-street site, can you tell me what distance it would stand from the houses that surround it; where would it be nearest to them?—In order to put as much upon the ground as I could, I have ventured very close indeed to some of them, because the ground is so irregular on the side of Yeates'-court; I have one projection here which is only 10 feet from the opposite houses; at the bottom of Bell-yard I have made it as little as 45 feet, but you will see that the line of houses east of Bell-yard is so irregular, that 45 feet, as the narrowest point, gives 65 feet somewhere else.

709. What would be the general run of it round?—I made Carey-street 55 feet, which is the greatest width, and it would be 10 feet at one point; I should say that the property between King's College and the north-east of this site; there are a public laundry and some small hucksters' shops which cannot be of very much value at present.

710. Supposing that we do build the reduced plan on the Carey-street site, what clear space round you would you be satisfied with, in order to give the building the requisite air, light, and ventilation?—I think that we ought not to have less than the Commission originally approved of, from 55 to 60 feet in the streets or courts all round.

711. Would you be content merely to buy up the 60 feet, and to leave this low kind of property on the other side fronting the Courts?—No, certainly not; indeed I doubt whether you could do it. You must buy the whole if you buy part.

712. How much should one buy?—As much as would enable you to sell the land again for rebuilding.

713. That would involve the further question, would it not, of the light for the property that you would build on that land?—Yes.

714. Therefore, there would require to be a very considerable ring of space round it?—Yes, on the south of the Law Fire Insurance Office. I imagine that you could not do anything with the property without buying the whole of it.

715. Where is that building?—Between Chancery-lane and Bell-yard. It would not follow that you would have to pull it all down and rebuild it; but you would have to deal with it, and therefore you must buy it all, I imagine.

716. Is there anything more that you have to observe on the reduced scheme?—There is nothing more, unless it is on the question of the cost.

717. With regard to the cost of the Howard-street plan and this plan, what would it be, putting aside these questions which we have been discussing, and taking the buildings themselves merely?—I imagine that the cost of the building itself, planned in the same way as this is, would be about the same on one side as the other.

718. Taking into consideration the question of foundations?—Taking into consideration the foundations, and the advantage to the Embankment site of being on the river.

719. To sum it up, as far as light, air, and quiet goes, you give the preference, as I understand, to Howard-street?—Yes.

720. As far as convenience of access goes, to which do you give the preference?—I should give the preference to Howard-street also; I do not know whether I have spoken about the access to Carey-street from the south.

721. I think not; what have you to say about that?—Certainly it would not be so good in the way of access if the Essex-street improvement is not carried out. Whatever carriage traffic comes from the east and west, direct to the Courts, if it is found (as I apprehend it is very likely to be) that a person taking a cab would get sooner to the Courts by the Embankment-road than by the Strand (*describing the route on the map*), would come up the rising road round the station, and then the traffic will have to come into the Strand at the west of the building at the narrowest part; it would get into the Strand at Norfolk-street, and then back to the building, which would be a disadvantage. I apprehend that it will be found when the Embankment-road is made,

made, that that will be really the quickest way of getting to the Courts in Carey-street by a cab both from the City and West End; of course, people who come by railway will walk up to the Courts.

722. Upon the whole, you give the preference, as far as access goes, decidedly to the Howard-street site, I understand?—I think that it would be decidedly best in that respect.

723. Taking in the question of surrounding and necessary purchases, how does the expense stand then?—I have asked Mr. Hunt for the estimate of the additional lands, but as you will call him, I apprehend, I will not go into those figures.

724. All the purchases that would be required for Carey-street would be just so much expense against it, would they not?—It would be all additional expense beyond what you have now; there is a large additional expense, which I am certain that no person in his senses could deny, must be incurred on the Carey-street site beyond the existing piece of ground; it may be made into a very good site with additional purchases, but without additional purchases it cannot; of course if you pitch upon the most thickly populated part of London, and have an unlimited command of money, you can carry it out well.

725. You can make as good a site as you please then?—Yes, you can make a very good site of it.

726. Have you anything to say about Mr. Burnett's plan for putting your improved plan on Carey-street; you consider that it very materially spoils the plan, do you not?—Yes, if my improved plan, which I have had copied on this tracing, had been really copied by Mr. Burnett, that is how it would have appeared (*describing it to the Committee*); if the rooms shown in the approved plan, and which are absolutely necessary for the accommodation of the judges and all the officers of the courts had been put, that could not have been done without coming down another 45 feet here, and 40 feet here (*pointing to the spots on the plan*), and destroying the proposed western access; it is impossible to apply my large plan to the site in that way; besides which, the streets become reduced to 42 feet 6 inches wide if you are to have the same accommodation in the building instead of 60 feet wide.

727. The effect of it would be, either that the courts would be a storey higher, or that the courts would be made much nearer to the opposite houses?—Either one or the other, but we have it in evidence that they would not be made a storey higher.

728. I have the opinion that the plan, therefore, of Mr. Burnet is an impracticable one?—Yes; a very undesirable one.

729. It is a great sacrifice of light and air?—Yes; and does not provide the required accommodation.

730. *Chairman.*] Looking at your plan for the Howard-street site, do I rightly understand you that you consider it necessary to widen Howard-street, and to lengthen Essex-street?—Yes.

731. Those are indispensable accompaniments of the plan?—In my opinion they are.

732. You would not be prepared to carry out that plan, as at present advised, on the condition of leaving Essex-street untouched, and the north side of Howard-street untouched?—The north side of Howard-street must be taken, in any case, to get width. As to Essex-street, I hold a strong opinion; but I differ in opinion from many other people, who think that it is not necessary to carry on Essex-street to the Strand. I think that it is; but that is for the convenience of the public, not for the erection of my building. I hold that the thing is so obvious that it must be done, and done at once, if the street is made at all.

733. Is your estimate of 900,000 *l.* for the building alone?—Yes.

734. Irrespective of the land?—Yes.

735. I suppose we must get the value of the land from other witnesses?—Yes; I have nothing to do with that.

736. You said that, with regard to Howard-street, it would be easier to build there than on the Carey-street site, because the materials would come by water or by the Embankment, and there would be no interruption to traffic?—They would all come by water.

737. But I presume you contemplate that in any case Carey-street would be filled up with some building?—Of course, but the difference would be that if you left so large a piece of land for building, so far as my experience goes, it would not be all built upon at once, but only by degrees.

738. The same amount of carting, therefore, would take place, but it would spread over a longer period of time, you think?—Yes, but if my plan is carried out you will have the advantage of a way by New Essex-street to the Embankment for your carts, whereas if you built on the north side of the Strand, without New Essex-street, all the carts will have to go along Fleet-street or the Strand.

739. With regard to the irregularity of the outline of the Carey-street site, would it be impossible to remedy it by drawing a give-and-take line?—I should think that was not impossible; it depends, of course, upon the willingness of the people to whom the land belongs on the other side.

740. Would it necessarily involve any serious loss if a certain amount of compulsory purchase were to take place beyond the present site, and afterwards a give-and-take line were drawn, and what was not wanted was resold?—My impression is that you would not lose by purchasing land round this building.

741. I suppose what you say as to the bad neighbourhood of the Carey-street site, to the north-west, will equally interfere with the selling or letting of that land for private purposes?—It must affect the value of that corner, as there is no thoroughfare which a decent person can use.

742. I think you said that on your reduced plan, part of the building was within 10 feet of other houses?—Yes.

743. But that is only the offices of the building as I understand the plan, and not the main building?—It would be a portion of the common law offices.

744. Mr. *Layard.*] You are aware that in the estimate made by Mr. Hunt for the First Commissioner, the north of Howard-street is included?—Yes, I understand that that is included; it is in the deposited plan, I think.

745. Can you tell the Committee what the present width of Norfolk-street is?—It is 48 feet wide.

746. Do you consider that a good average width

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width for a street?—It is a very fair width; I should like more.

747. What is the width of Essex-street at its entrance into the Strand?—It seems to be 30 feet now.

748. Then, in fact, without increasing the width of Essex-street, you would have at this moment access to your courts on the Howard-street site by Norfolk-street which is 48 feet, and by Essex-street, which at its narrowest part is 30 feet wide?—Yes, and by Arundel-street which is 28 feet, and by Surrey-street which is 25.

749. Therefore the traffic in coming from the Strand to the Howard-street site, could be divided into four thoroughfares?—It could. I take it that some of it will go down Essex-street, and the rest down Norfolk-street and Surrey-street, but I imagine that Arundel-street will take very little.

750. Therefore, without widening Essex-street, you would have abundance of access to the Howard-street site?—As far as access to the building is concerned it would have plenty of access.

751. Are you aware that it was stated before the Committee on the Hungerford Bridge roadway, that it would be necessary, under any circumstances, as a metropolitan improvement, whether the Carey-street site be adopted, or the Howard-street site, to widen Essex-street?—No, I did not know that.

752. You stated that you contemplate widening Bell-yard, and making it a thoroughfare?—Yes.

753. On the reduced scheme do you propose to have a general thoroughfare, or to have gates?—I explained to the Chancellor of the Exchequer that I doubted whether we could close it by gate; I suppose they would have a right of way there.

754. Therefore this Bell-yard, if widened, would become a great thoroughfare from the north of London to the Embankment?—You must remember that it leads to nothing at the top.

755. It would lead to Carey-street?—By the time you have improved the access from Lincoln's-Inn-Fields to the building, I suppose any traffic would get round there, to some extent.

756. And supposing carts and railway traffic were coming from any of the great stations in the north of London to the Embankment, and supposing that Serle-street were enlarged according to your plan, would they not then take Bell-yard as the main thoroughfare between north and south?—It is very difficult to answer exactly what they will do; my impression is, that you might get traffic from the Midland and Great Northern stations there; I doubt about any other coming.

757. You stated that Chancery-lane is blocked up, and is very narrow at this opening; I presume a considerable part of the traffic that now takes Chancery-lane would take Bell-yard, if it were widened?—It might; it is almost impossible, however, to give an answer; it is a matter of conjecture.

758. Presuming that it did so, you would have then noisy thoroughfares on two sides of your building?—Yes; but my impression is that a carter would not trouble himself about turning out of Chancery-lane when once he had got through that narrow opening, but would go down to the bottom, and then into the Strand.

759. I mean, supposing he started from the west end of Holborn, and wanted to get to the Embankment?—From the western part of Holborn, I think he would be more likely to get into Drury-lane.

760. I understand you to say that under any circumstances you consider it necessary to open a thoroughfare between the Carey-street site and Chancery-lane?—Yes, I should make it for foot passengers. What was proposed in the great plan was, a considerable entrance for foot passengers, and a space where carriages could turn in and turn out, or stand (*describing it on the plan*).

761. Supposing that the Law Courts are not erected on the Embankment, have you ever considered what class of buildings are likely to be erected on that site?—No; I have never ventured to consider; I do not know in the least; I do not think that there is space for doing much there, unless a good deal is pulled down first of all, and of course it is very doubtful whether it is worth anybody's while to pull down houses, in order to build larger establishments. I think that to the north of the station that approach road incloses a sort of garden, and then in front of the present houses which fringe the Duke of Norfolk's property there is a narrow margin which he may build upon.

762. Do you think it likely that private residences would be built there?—I should not have thought it likely. I should have thought that, as that district is full of inns and boarding-houses, that is the sort of building that would take place, if anything.

763. Do you think it likely that it would remain in its present condition?—My private opinion is that it would, but my opinion is not worth anything on that point.

764. And, supposing it were to remain in its present condition, do you think that a creditable state for a leading thoroughfare of the metropolis?—It is most unsightly.

765. Are you aware that the North Western Railway Company are contemplating, in the event of our erecting the Law Courts on the Carey-street site, to obtain, if possible, the Howard-street site for the erection of a railway station?—I only know it by having seen some paragraph in the papers to that effect.

766. Supposing that they did acquire that site and erected a railway station, such as we have already seen erected on the banks of the Thames, would not that destroy the effect of your Law Courts, looking at it from the south?—Yes, if they erected a monstrosity, like the Charing Cross Railway Station, no doubt it would. I think that a station of that kind is destructive to anything within a mile of it as to its effect and proportion.

767. In preparing your plan for the Law Courts on the Embankment, have you interfered with the ornamental ground which was reserved under the Act of Parliament for the Embankment?—Yes, I have interfered with it; I have altered its position. The ornamental ground on the railway company's plan is the ground inclosed within a curve marked "garden." There is a large piece of garden to the east of the proposed railway station, and a small piece to the west; I have provided to the front of my building an equal amount of ornamental ground; that would have been all on a slope with the road rising round it, and a wall

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and balustrade round it; but I have provided the same amount of garden in the front of my building on the level of the Embankment.

768. Have you not rather added to than diminished the extent of the ground?—It is a little in excess, I believe, but not much.

769. And as regards the ornamental part of the Embankment, as contemplated by the Act, you have not taken away from that?—The alteration would add enormously to it, I think. I do not know whether you know the character of the station proposed there; it would be very damaging, indeed, to the appearance of the Embankment, and also to the view of Somerset House immediately beyond it.

770. As regards the assertion that your building would impede the view of Somerset House, can you state to the Committee how far the western side of Wellington-street advances beyond the line of Somerset House?—It seems to me to advance in front of the new wing to Somerset House, but not in front of the main line of the building.

771. That is to say, it advances exactly the same as yours?—Exactly the same.

772. Does it practically impede the effect of the view of Somerset House?—I never discovered that it did; it does not seem to me to do so at all.

773. Are you aware that the Law Institution are adding a storey to their present building?—I believe they are; I am not quite certain about it.

774. Would it in any way interfere with the building that you contemplate erecting, supposing it were erected on Carey-street?—Well, it would make the light so much worse for any building on the opposite side.

775. Supposing that you had erected a building on the Carey-street site, would the Government have had a right to object to the addition of that storey?—I believe they would not have; but they could not have raised that storey before you had removed the old buildings in Bell-yard.

776. Mr. Burnett has stated that you closed your doors against him; is that a fact?—You ought to have a plan of my office; my office is on one side of the Commission room, and his on the other; we both have front doors, and he is perfectly welcome always to come to my front door; but in the other way he comes straight into my room, whilst I prefer that he should pass my clerk's office first.

777. Therefore, you never refused Mr. Burnett any information that he has required?—No; and since the time he mentioned he has been in to see me.

778. He never did consult you upon the plan and statement which he prepared for the Commission?—No.

779. And, in your opinion, ought he to have done so before making that statement?—I think so.

780. Mr. *Mowbray.*] You say that the width of the Strand at the church is 175 feet, do you not?—Not the present width of the Strand; but I should set back the building line on the north side of the Strand, and then have a pier to carry the centre of the structure.

781. That width is the space that you propose to fill up with a bridge and arcade?—Yes.

782. Do you know what would be the cost of the bridge and arcade connecting Carey-street?—As I said before, I doubt very much whether the condition of having passages through houses at the same level would diminish the value of the property for building.

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783. Independently of the diminution of the value of the property, you know what the cost of the building would be?—I have not entered into it; judging from Mr. Gardiner's estimate for Temple Bar, you may say 10,000 *l.*; I apprehend that the passages in the building might be built by the people who built the chambers, under such conditions as Government might make.

784. And if the Carey-street site were adopted, it would still be necessary to have the accommodation for persons from the Temple to cross the street?—It was always held to be necessary, because there is the case of the gentleman, Mr. Field quoted last time, who was killed in crossing Chancery-lane; if he was killed in crossing Chancery-lane, it is still more likely that some one would be killed in crossing the Strand; but it always appeared to me rather a doubtful question whether the whole courts throughout should be raised as the Commission determined that they should be, in order that you might have a bridge across Carey-street, and a bridge across the Strand; it was going to a great expense, and involved the raising of the floor of the courts throughout.

785. Then a bridge over the Strand at Temple Bar, connecting the Temple with the Carey-street site, would probably involve a greater expense than the bridge that you contemplate?—Very much greater, because it would involve the raising of the courts; it would very largely increase the expense.

786. Assume the courts to be built in Carey-street, it would be necessary to have increased accommodation to connect them with the Embankment, would it not?—I think so; I think that the convenient access from the Embankment would always be where Essex-street is; it is opposite the steamboat pier, and I think that it would be really a necessary approach; it is so for London, rather than for the courts of law.

787. So that, in all probability, whether the Courts were erected in Carey-street or Howard-street, it would be equally necessary to improve and widen Essex-street?—Not equally necessary, but very desirable certainly.

788. Mr. *Cowper.*] When you sent in your competition drawing, was that the plan, according to that drawing, fitted to be placed upon the area which was then purchased?—No. The competing architects had such doubtful instructions given them as to the quantity of land on which they were to place their building that there were hardly any of them that took exactly the same area. We were never able to get from the Commission a definite statement, so many feet east and west, and so many north and south. We were informed that we might take 510 north to south; but as to the east and west we were informed that there was to be a give-and-take arrangement, which no two understood alike, I believe, and I and Mr. Dean took less than anyone else. I only, for my competition plan, took 685 feet from east to west, and 500 from north to south; but Messrs. Brandon, Burges, Lockwood, Waterhouse, and Abraham understood that they were at liberty to deal with 700 feet from east to west, and Mr. Barry 750 feet from east to west.

789. And the fact that you had taken less space than some others, induced me to ask whether your design would not have fitted on to

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the site, as originally purchased, without the extension of it?—It could fit into a smaller piece of ground if you could rectify your western boundary, and give me a width of 500 feet from south to north, which you cannot get without purchasing the north side of Carey-street.

790. I suppose you mean to say that, looking to the north and south line, although you could have placed it on the site, yet the width of Carey-street would have been insufficient for the proper approach to the building?—Yes. I do not know quite the distance those houses are; there is a 25-feet span, I think, which ought to be thrown into the street.

791. But now that the plan has been made, with a reduced number of courts and offices, do you see any difficulty in placing that reduced building upon the Carey-street site, if you are free to adopt the disposition that you would prefer?—If I am free to adopt the disposition that I would prefer, it would be the one which you have in your hand; and, as I have shown there, I have accomplished putting it upon the site.

792. I understand you to say, that in preparing this plan for the reduced building on Carey-street, your discretion had been fettered by certain instructions which induced you to adopt on the Carey-street site certain particulars which were adopted on the Howard-street site; for instance, that you had instructions to place the courts and judges' rooms at a lower level than was intended by the Commission when they gave their instructions?—Yes.

793. Upon that, I would ask you, do you think that there was any advantage in departing from what the Commission had agreed to with so much deliberation, and with communication with all the judges, by placing the court level at no greater height than would have been the case on the Embankment site?—I do not think that that instruction fettered me at all, because as I said just now, I did not agree with the Commission in thinking that it was wise to raise the central-hall in the way that they proposed; I think that at almost the first meeting of the sub-committee this occurred: A sub-committee was appointed "to confer with Mr. Street, as to plans," and the Minute says, "Discussed the general outline of scheme at great length with Mr. Street. Resolved: That central-hall ought to be on the level of Carey-street; that the bridge proposed to be erected across Carey-street, ought to be provided." Well, I remember having made a calculation of what the cost of it would be, and expressing my opinion that it was not desirable; therefore I do not think that that condition hampered me at all.

794. Did it not cause you to make some changes in the plan?—Very slight changes that would show themselves on the ground plan; there would be differences in the sections.

795. Does that affect this passage (*pointing to the plan*), that is marked to the west of the building?—That is affected by another direction that there should be the same facility of access to the judges.

796. And if that instruction had not been given to you, you could have utilised this passage?—Yes.

797. In your approved plan, was the distance which the judges would have to rise the same as those persons had who went from Westminster Hall to the Lobby of the House of Commons?—In my plan, the height to the judges rooms from Carey-street was 26 feet, and from the southern quadrangle to the judges' rooms 38 feet, and the height from Westminster Hall to the floor of the House of Commons is 19 feet 6 inches, and from Westminster Hall to the committee-rooms, the level where we are sitting, 43 feet, so that it is five feet more than the height from the southern quadrangle to the judges' rooms.

798. Have you any reason to suppose that, what is done by the Members of the House of Commons and Lords, would be too much to require of the judges?—I never regarded that as an inconvenience. It occurred to me as a thing that they would have to do once in the day, once up and once down.

799. Will you state what is the width of the new Howard-street to the north of the Embankment site; what do you intend to be the width of Howard-street, according to your Embankment plan?—Sixty feet in part, and at the other end 50 feet, but that is below only; there is an arcade which would not run up the whole height.

800. Did I rightly understand you, that you had given 55 feet to Carey-street in the altered plan?—Yes.

801. I think you stated that the minor courts would become too narrow if they were reduced to 42 feet?—In my opinion they would be.

802. Are there not many similar courts which are of less dimension, such for instance as Pump Court in the Temple?—I have no doubt that there are. They are innumerable almost.

803. But do you think that more than 42 feet wide is necessary, and not only that, more than that might be desirable?—Well, in my opinion it is necessary; I lived and worked once in a street which I suppose is at least 50 feet wide, out of Russell-square, and I know that the difference of light and power of doing work in going from rooms of that kind into a square is something extraordinary, and the quality of light is entirely different.

804. Turning to this plan that we have before us, by which you have put the reduced accommodation on the Carey-street site, are we to understand that you consider that a satisfactory plan?—I think that that part of it which you have in your hand is perfectly satisfactory; Mr. Field tells you his opinion about it, but Mr. Field does not know the difference; I have not had an opportunity of explaining it to him; but if I had, I think he would agree that that part of it is an improvement in detail.

805. And I may understand, that if the reduction be adopted, a satisfactory building can be erected on the existing Carey-street site; I am speaking of building, without reference to the approaches?—And if you speak without reference to the outlook from the building, but only as to the building itself, I answer yes; there are so many acres of land.

806. If we speak of outlook, is there any advantage in clerks in offices having very interesting views of shipping in the river, or is it not desirable that they should have no temptation to look out of the windows?—That seems to me to be a question for the Committee to decide.

807. I observe from a printed pamphlet that I have in my hand, that in the month of February last, you expressed a very decided preference for the Carey-street site, upon several grounds; you stated, "It has appeared that the greatest convenience

venience of position is found in the Carey-street site," and then you said that, "but hitherto very little has been said as to the convenience of the levels, and yet here again the Carey-street site has very great advantages." Then you stated that the advantage of the level led to economy in construction, and then you said, "If you contrast this statement with what must happen on the Embankment site, you will see the very great disadvantage under which the latter lies on its western side, in a length of about 450 feet, the rise is 35 feet 6 inches, and the rise from north to south is nowhere less than 30 feet." Perhaps you would explain the grounds on which you have expressed a different view to day from what you did in February?—I was talking about two entirely different things; you are quoting what I said now in answer to a scheme of Sir Charles Trevelyan's, which I thought excessively extravagant; you will remember that his scheme was to build up to the level of the Strand, for roads, court-yards, and everything else, and as I pointed out here, that involved a substructure to the height of the terrace in front of Somerset House, which was not merely to cover the ground from Howard-street to the river, a comparatively short distance, but the whole distance from the Strand to the river. The two schemes submitted to me were so different, that I must say that the opinion which I gave about Sir Charles Trevelyan's scheme, does not seem to me the least contradictory of what I have said about my reduced scheme.

808. According to Sir Charles Trevelyan's scheme, there must have been a terrace like Somerset House-terrace, built in front of the proposed building?—To the height of 30 feet; that was the basement of the building.

809. Then you said, speaking of these buildings, "A vast number of rooms must be provided in basements, which would not only be very inconvenient as regards light, but equally as regards access." But I understand in the building which you propose, there will be no rooms that will be inconvenient for light and access, in the lower part of the building on the river side?—I think so, certainly. I propose no terrace in front of the building. I propose to take the natural level of the ground for the great quadrangle, and there is no part of the building obscured by any artifical erection of that kind. I daresay you will remember that Somerset House was quoted to us on that occasion, as an illustration of the enormous amount of accommodation that might be obtained in basements; and my objection was to providing a new public building with any such artificially lighted accommodation as that in Somerset House.

810. Will you say for what purpose the rooms are to serve on the river-side on the ground storey of the building?—I have not had time to arrange the whole in detail; but as regards the rooms on the Embankment side of the building, they would be about 20 feet below the floor of the central hall, and lighted as well as it is possible that rooms can be lighted; I cannot conceive that there would be the slightest difficulty in using them; your central hall is raised above the Embankment on this plan, and so you get the advantage of descending to certain offices and and rising to others; it is not all done by rising, which is an advantage and a convenience.

811. Speaking of the foundations that would be required, you spoke of the necessity of going down to the gravel; do you not think it necessary to go deeper down, to the solid clay?—I do not think so; if we find the same sort of gravel that they have found further out, it would be, in my judgment, quite useless to go through that, if the gravel is what I have been informed it is; I believe that the Embankment wall does not all go down to the clay.

812. Mr. Fowler stated to the Committee on the Hungerford-bridge that he thought that no public building could be safely built, unless the foundation were carried through the gravel to the clay; do you think that is unnecessary?—My strong impression is that it is unnecessary; with hard gravel underneath you, and a bed of concrete 20 or 25 feet thick resting upon it, I can conceive no better foundation; if the gravel were not hard it would be necessary to go through it; but from the information that I get on the Embankment works I find that they have carried down a great concrete wall, which forms the retaining wall on the northern side of the Embankment, which does not go down so deep as I propose to go.

813. In your estimate have you considered the necessity of making a coffer-dam to exclude the water of the river?—I do not think that it would be necessary.

814. Is it not the case that at the present moment at high tides the water comes through the reclaimed ground as far as Milford-lane, and fills the cellars occasionally?—I do not know; my impression is that we should require to do a certain amount of pumping to keep out the land water as much as the river water; there is no difficulty in putting the concrete in without a coffer-dam. The distance of the building varies from 160 to 140 feet from the Embankment wall.

815. What is the nearest point at which the railway, whenever it is made, will approach the new building?—The railway station is close to it here (*pointing to the map*). Then there is an open arcade here (*pointing to it*); but at this point they are as close as they can be built.

816. Do you anticipate vibration and inconvenience from the railway at that point where it approaches so closely?—I suppose that it would be here (*pointing to the map*) that the trains would be always stopped. Here (*pointing to it*) the railway goes away from the building.

817. At what distance would it be at the extreme west of the building; what is the furthest point from the railway?—I believe that it would be 55 feet from the retaining wall of the railway to the base of the building at the west.

818. Have you any information as to the probability of the time at which that railway may be made?—No, I know nothing about it. I was informed (but you must know more about it than I do) that they had obtained some Bill, by which they would get the money for it.

819. On the western side will you explain what is the communication from the Embankment roadway up to the north by the south-west corner of your building?—There would be a roadway between the building and the wall of King's College.

820. What would be the width of it?—The narrowest point of it I have made 25 feet. I have made it narrow because the buildings of King's College set back very considerably. There is at one place 48 and at another 80 feet between building and building. I may mention, in reference to the narrowness of that road which you ask me about, that supposing it were felt to be too

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too narrow, it could be easily increased without altering the scheme by a little reduction of this quadrangle (*pointing it out*). You could have 10 feet more of roadway there if it were necessary: but I do not think that it is.

821. Will you explain how the people who come by railway will reach the courts?—The opening to the railway station will be at the bottom of Essex-street, and from thence passengers will go into the great quadrangle, and then in by the eastern entrance to the central hall.

822. And what will be the entrance of those who come from the north?—Those who come from the north-east would probably come down Essex-street into the quadrangle by the same entrance; but they might also come by Norfolk-street, Surrey-street, or Arundel-street, to an entrance in the centre of the north front.

823. Supposing that the prolongation of New Essex-street to the Strand were not made, carriages would have to descend from the north by Arundel-street or Norfolk-street?—They can still descend by Essex-street, for it is wide enough for two vehicles to pass; they will descend by all those streets.

824. They are all rather of a steep gradient, are they not?—Norfolk-street is not steep, it is very moderate, and Essex-street is not steep; the other two streets are steep rather, but not impracticable.

825. Mr. *Osborne Morgan.*] In this report of yours, to which the Right Honourable Member has referred you, I see you say at the top of page 39, "I may also observe that the experience of any architect would enable him to say that it is always more costly to build on a steep incline than on a nearly level site, and that I believe the building on the Embankment, if it is to be really worthy its position, would cost more than one on the Carey-street site would:" that would apply, would it not, to the building as at present designed and proposed on the Embankment?—No, I do not think that it would; in that discussion, the scheme which I was criticising was Sir Charles Trevelyan's scheme, and that was in my mind. The truth is, when I had come to work this question out, I found that the preliminary objection which I had taken to Sir Charles Trevelyan's scheme, did not apply to the building, if it was built using the land with the greatest possible economy, as I have proposed.

826. Would not a building on the present plan be on an incline?—Yes; but we propose in order to alter the incline, to alter the level of roads as well.

827. But surely your statement would apply exactly, because it would be a building depending on a steep incline, and therefore more costly than one on a nearly level site?—I do not think that the other is nearly level.

828. "The building on the Embankment, if it is to be really worth its position, would cost more than one on the Carey-street site would;" does not that apply?—Well, I was thinking of Sir Charles Trevelyan's scheme of building up an artificial terrace, which is a very common way, and that would cost enormously more.

829. What is the incline on the Carey-street site?—It is a rise of 12 feet, supposing that you can lower Carey-street; it is 16 or 17 feet if you do not lower Carey-street.

830. That would be about one in 30?—Yes; the rise of Essex-street will be one in 29.

831. I am speaking of the actual incline of the Howard-street site from north to south; it would be much more than that?—No, I think not; from the Embankment up to Howard-street the rise would be about 21 feet.

832. Then would not the fact of that difference in level be greatly in favour of Carey-street, as far as cost is concerned?—I do not think that it would, if I proposed to utilise the whole of the ground, as I do.

833. Then you do not adhere to this statement in the 39th page of that pamphlet?—I do not mean to say that it is not the fact that there is a very steep incline; if you built upon it in the way that Sir Charles Trevelyan proposes, it would be enormously more expensive; that was what I was addressing myself to then.

834. As to the foundation, I do not think that you were concerned in the building of the Middle Temple Library?—No.

835. Do you know anything about the difficulty of laying the foundation there?—I asked the surveyor to the Middle Temple, and he gave me the impression that they put in very little foundation there; my impression is that it was infinitely less than I proposed. There are settlements in the building now, in consequence, probably.

836. But you do not know, as a matter of fact, what that is?—No; the fact is, that Mr. St. Aubyn, the surveyor of the Middle Temple, does not know; there seems to be no record.

837. You spoke of the comparative accessibility of the two sites; have you considered that question with special reference to the present site in which the legal profession are located?—No.

838. You know, of course, that they are, most of them, located to the north of the Carey-street site?—My general impression is that the whole of that district, mainly north but also east of Howard-street, is what anyone would call the legal quarter.

839. You spoke of the great inconvenience of the streets leading to the north of the Carey-street site; no doubt there is that; but would not those streets have to be traversed by a person coming to the Howard-street site as well?—No; because people have so very many more opportunities of getting to this site, it being so much further off from Carey-street.

840. How would a person who came from New-square or Lincoln's Inn-fields, for instance, go to the Howard-street site; he would come down Serle-street?—Yes, Serle-street or Chancery-lane. If the Embankment site is adapted, then I hold, as a matter of course, that you cannot sell land without roads through it, and you would have a good road opposite Serle-street.

841. But from New-square or Lincoln's Inn-fields you would have to come down Serle-street?—From New-square you would not come down Serle-street.

842. Unless you wanted to drive?—Yes.

843. Coming from Stone-buildings you would have to go down the narrow part of Chancery-lane?—You would go down Chancery-lane.

844. Speaking of an arcade across the Strand, would it present no obstruction to the traffic?—No, I think not; you would have one great pier, but that would be where there is an erection, already just to the east of St. Clement Danes Church.

845. That would be a repetition of the inconvenience of Temple Bar?—Not the least, because

cause my arches are 80 feet, and Temple Bar is about 20 feet.

846. I observe that just opposite to the southern entrance of the Carey-street site the Strand is very wide, whereas just opposite to Howard-street, to the northern site of the Embankment, it is very narrow, it is only two-thirds the width?—Yes.

847. Do not you think that it would be a disadvantage having so narrow a thoroughfare just opposite?—It seems to me a common disadvantage. If persons were going to Carey-street they would have to pass through it; if to Howard-street they would turn down as soon as they could.

848. A cab stand stands there at the north of St. Clement Danes?—The cab stand could not stand there after you have your building in Carey-street, because it will be a very important entrance to the building; that is to be the great way into the courts.

849. There would not be room for a cab stand, even round the church?—I do not think so.

850. Do not you think that the width of the street opposite the principal entrance would be a great advantage?—Yes.

851. You spoke of the comparative quietness of the different sites, would you be kind enough to tell me how many great communications there are from the Strand to the Embankment, say between Charing-cross and Blackfriars, are there any?—No, I do not think so; I think that if Essex-street were made it would be a great communication, but never to be compared to the thoroughfare of the Strand, because you must remember that on the Embankment you will have nothing to bring people except from the ends.

852. Would not that white space there (*pointing to the plan*), the quadrangle, be a great thoroughfare?—There is an arrangement of steps across it; there could be no passage of carriages there, they could only come and put their load down. But the noise of a thoroughfare depends on the width of it.

853. Essex-street would be a considerable thoroughfare, according to your plan?—Yes, but not a thoroughfare to be talked of in the same way as the Strand; I cannot imagine its being a line for omnibuses.

854. Even if widened?—No, it would be mainly for light traffic, I should think.

585. It would pass through the quadrangle; there would be greater foot traffic, I suppose?—Yes, and there would be no objection to that.

856. What is the fall from the junction of Howard-street and New Essex-street to the central entrance?—It is 6 feet in 130 feet, about 1 in 21.

857. From Surrey-street to the north-west angle of the new building there would be a steep fall?—Yes. That I regard as an advantage, because I do not want it to be a thoroughfare. You asked me from Surrey-street to the west of the building; Surrey-street would be a way of getting to the hall, but that is east of Surrey-street; you come down Surrey-street, and turn along Howard-street to the west of the building.

858. From the top of Surrey-street to the bottom would be a fall of 1 in 9 or 1 in 10, would it not?—It is steep; I do not know what it is quite, but it would necessarily remain as it is; we could not alter that. It is 7 feet in 100; it is 1 in 14 or 15.

859. That would be steeper than Holborn Hill, would it not?—I do not know what Holborn Hill is. It is a short street. There it is, and we are going to do nothing to it.

860. I thought you said that the three approaches would be Surrey-street, Norfolk-street, and Essex-street; that Arundel-street would not be one?—I say that the tendency of a cabman is to turn down the first convenient street, and, coming from the west, he would turn down Surrey-street or Norfolk-street, and, from the east, Essex-street, so that Arundel-street would not be much used.

861. What about Surrey-street? — Surrey-street is not sufficiently good to be one of the chief approaches, but it is one of the approaches.

862. From the north-west angle of the building to the west entrance there is a steep fall, is there not?—Yes; that is all steep; I have purposely not dealt with the levels there; I might have dealt with the levels there if I had chosen, but I prefer to keep that at the natural level of the ground, because it would prevent its being used as a carriage thoroughfare.

863. It would be dangerous?—From the Embankment up to the western entrance is level.

864. I mean from the north-west?—But I do not think anybody would ever go to that entrance from the north; they would always go to the central entrance. That western entrance would be useful for people coming from Westminster along the Embankment.

865. Where do you propose for persons coming along the terrace to enter?—I should be inclined to limit that access for all people having business in the courts, for attorneys and their clerks, and so on. The Judges would enter in the angle, and would rise about six feet to their rooms, and the solicitors, the barristers, and so forth, would descend about six or eight feet to the floor below. The terrace is just on a mid-level between two floors.

866. What is the width of Strand-lane?—It is 25 feet at the narrowest part.

867. The average width would be about the same as Bell-yard?—The present Bell-yard comes to much less than that. I think it would be better to take the width of Surrey-street. I think you will find that it is about the same as Surrey-street; Surrey-street is about 27 feet. This (*pointing to the plan*) is the narrowest part of Strand-lane.

868. As compared to Bell-yard, it looks in that map the same?—Bell-yard you may make any width you like, because the houses curve round Bell-yard in this upper part. Just below the Law Institution there is one part that used to be only 12 feet, and the part down near the Strand is 12 feet, most of it.

869. What did you say was the width of the new Howard-street you proposed?—Sixty feet at one end and 50 feet at the other; for purposes of light it is all 60 feet really, because that narrower part does not go up to the whole height of the building.

870. Howard-street, as regard the Embankment site, would be a street corresponding to Carey-street, as regards the Carey-street site?—I imagine that more people would come that way, because most of the lawyers would arrive that way; certainly all from Lincoln's Inn and that side.

871. Should you say that that would be a sufficient width for Carey-street, 55 feet?—Yes; that

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that is what is proposed on the plan. I should like all those dimensions much larger for architectural effect.

872. In your original plan for the Carey-street site, and I suppose even in your reduced plan, to a certain extent you have the offices clustered round?—Not in the reduced plan.

873. To a certain extent?—No, not more in one than the other of the plans before you. There is a detached part in one block of the reduced plan.

874. In the Embankment plan the offices are quite detached except in the case of one of the Vice Chancellors?—And some of the judges' rooms.

875. With the exception of those, is it not so?—They would be clustered in a quadrangle, so that the effect would be that business transacted with a lawyer's clerk might be effected without interference with the courts.

876. You do not consider that in itself an advantage to have the offices separate, do you?—I think that that is a question which the lawyers must answer; it seems to me as far as I can gather from the answers to questions I ask, that solicitors who are not in an enormous way of business keep a clerk who does work both for equity offices and common law offices. To that man it would be an advantage to be able to get more easily from one to the other.

877. You took pains to communicate with the officers of the different courts in making your plan?—Yes.

878. Did they not report in favour of having offices in the immediate vicinity?—I do not know what they have reported; but the representatives of a good many of those offices were on the Commission, and they approved of my plan. I have never gone sufficiently far in detail with this plan to consult them as to whether the arrangements I was making were convenient for them or not, but of course I have had their convenience in my mind throughout.

879. It took you a very long time, did it not, to prepare these different arrangements on the original plan?—I have been now rather more than a year constantly at work, and three years more or less.

880. Would you not have to go through all that labour again if the other plan were adopted?—No, not all; I am sorry to say that whatever happens I shall have to go through a great deal of it again.

881. Would you have to begin *de novo* in dealing with the reduced Carey-street plan to the same extent?—Unless more land is bought to the north I must begin *de novo*. If more land is bought to the north I should not have to begin *de novo* in Carey-street as to a considerable part, not as far as the great block of courts; I consider that as settled in any plan, but the offices would require re-arrangement.

882. As to the level of the central hall that you propose, what is the level of it?—The level of it is 4 feet below the level of Howard-street, and 17 feet above the Embankment.

883. Do you not think that it will become a thoroughfare, that people would pass and re-pass through the central hall?—I do not think so; it depends very much upon whether New Essex-street is made. If it was decided that the northern entrance should be kept for people who had business there, I do not think it would be difficult to prevent that entrance being used by others.

884. But the Temple is used as a thoroughfare, although it has a porter?—That is a very different thing; you must admit everybody there whether on business or not; nobody is stopped.

885. Would you have any greater opportunity of excluding people from a court of justice?—I do not wish to do so, but I think people who want to go to the railway will go the nearest way, and will keep in the streets, and not go into the building unnecessarily.

886. From Norfolk-street and along this proposed new road, coming down close to St. Clement Danes, would not that be the nearest way?—No; they would have to go about 400 feet from the corner of Howard-street to the entrance, then into the hall, then 400 feet back to the railway station; nobody who came down New Essex-street would ever want to go into the building at all; they would not even go into the quadrangle. I have been particular to make the entrances and exits to that station on the eastern face.

887. You propose to put the courts on the first floor in the Carey-street site?—In both the sites.

888. Mr. *Layard.*] You have not prepared your working drawings for Carey-street, have you?—Yes, I have. I have got, I am afraid to say how many rolls of drawings, all prepared in pencil to a building scale for the approved plan.

889. Mr. *Mowbray.*] Do you know how deep the foundations for the hospital opposite go?—No, I do not know; I do not think they are an enormous depth; I think I heard the other day that the whole foundation cost 47,000 *l.*

Tuesday, 13*th July* 1869.

MEMBERS PRESENT:

Mr. Bentinck.	Mr. Beresford Hope.
The Chancellor of the Exchequer.	Mr. Hunt.
Mr. William Cowper.	Mr. Layard.
Viscount Enfield.	Lord John Manners.
Mr. Goldney.	Mr. Mowbray.
Mr. Gregory.	Lord Stanley.
Earl Grosvenor.	Sir William Tite.

THE RIGHT HON. LORD STANLEY IN THE CHAIR.

Mr. GEORGE EDMUND STREET, called in; and further Examined.

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890. Lord *John Manners.*] WHAT is the area of the cleared ground of the Parliamentary site in Carey-street?—I believe it is to be 7½ acres.

891. And what is the amount of the proposed site on the Embankment?—You mean the ground on which we are going to build.

892. No; the whole site proposed to be taken?—I do not think that I can give it you; because it would include the roads all the way round. It appears by this statement of the Sub-Committee to be about 6½ acres; that is exclusive of the Embankment road, of course, but including Essex-street.

893. That leaves an acre of ground more on the Carey-street acquired site than on the proposed site in Howard-street?—Quite so.

894. I understood you to say that you regarded the building ground on the Carey-street site as equal to 4¾ acres?—Not the building ground, but the building ground shown on a particular map, the map published by the Law Society.

895. Then what do you assume to be the building ground of the Carey-street site?—I think that in order to use that irregular piece of ground in the most convenient way, to leave light and access, and so forth about it, the whole site is required, if you are to get the same accommodation as you get upon the six acres on the other site, because one site is a parallelogram and the other is extremely irregular in its contour.

896. That is to say, although there is an acre of ground more in Carey-street, you do not think that you could gain more ground on Carey-street for building purposes than you can in Howard-street?—Not as the site stands at present.

897. In order to enable you to make full use of the 7½ acres already acquired, will you tell the Committee what ground you think it absolutely necessary to add?—I must first of all ask whether your question is as regards the making of the site perfectly useable by making decent frontages on the other side of the surrounding streets.

898. It has nothing to do with the frontages on the other side of the street; but the statement is this, that whereas there are 7½ acres already acquired in Carey-street, and it is only proposed to acquire 6½ acres of ground on the Howard-street site, yet owing to the peculiar conformation of the ground on the Carey-street site, you cannot get more ground for building purposes on the Carey-street site than on the other; I ask how much more would have to be acquired in order to enable you to make full use of that 7½ acres?—The great difficulty in Carey-street is the excessively irregular shape of the western boundary. You want to square that.

899. And what amount of land would be required to accomplish that object?—I cannot state the precise amount necessary now, but it is exactly what was considered necessary by the Commission, one condition being that you should have a give and take arrangement with Clement's Inn.

900. It is chiefly that?—On that side.

901. It would be a give and take arrangement with Clement's Inn to make it available?—Available for my reduced plan, but not for the Commission's reduced plan.

902. I think that you were not able to tell us on the last day what the exact amount of the proposed additional ground was that the Commission recommended?—In the great scheme the total area of land which was to be dealt with in one way and another, in fact, the land which is coloured on that map in front of you, is about 13¼ acres. There was that amount of pulling down and rebuilding and forming streets which would have taken place if the building had been put upon that site.

903. But I am speaking now of the additional land?—I presume that you mean all this land (*pointing to the map*). This map shows practically the various properties that were to be dealt with. That pink site was 7½ acres. The area that would have been dealt with by the Government and private individuals would have been altogether 13¼ acres.

904. Including Cook's-court?—Including Cook's-court and everything that was to be taken down and re-constructed.

905. What was the additional amount recommended to be purchased by the Commission, exclusive of Cook's-court?—I have not measured it; I should think that three acres would be very likely about the amount.

906. Three acres and two roods?—I should think very likely.

907. Of that three acres and two roods, can you tell the Committee how much would really have been required for the plan as agreed upon by the Commission and yourself?—The whole of it.

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908. And for the building?—For the building and for light and air on the opposite side of the streets in front of the building, which I take to go with the building. That 3¼ acres includes both sides of Bell-yard, for instance; it includes the north side of Carey-street, and the southern face of the Cook's-court block.

909. Take that part coloured green, between Chancery-lane and Bell-yard; is it your impression that that was proposed to be built upon or to be reserved as vacant ground?—It was proposed to be taken and re-let or re-sold, but it was all proposed to be taken.

910. Of the three acres and two roods which the Commission recommended to be purchased, how much would have been required for the purposes of the building, or for air and access to the building, and how much would be available to be resold?—I cannot tell you to a yard how much acreage, but on the plan I can tell you exactly. On this site we take up the whole of that yellow (*pointing to the plan*); then, in taking that, you cut into the backs of various premises, and in order to rebuild the front there you cut into the backs of these buildings (*pointing to the plan*), and I have no doubt that it would be found necessary to rebuild them up to Chancery-lane (*describing the plan*). On the north side we proposed to take the low buildings at the back of the houses on the south side of New-square, coloured yellow. The ground which we proposed to use on the eastern side of Bell-yard was rather more than half the whole area scheduled.

911. Then in continuation of Carey-street going west, what amount of ground coloured green would be available for re-sale out of the total amount proposed by the Commission to be acquired?—The whole of the land coloured green would be available for re-sale.

912. Sir *William Tite.*] That is on the west?—That is on the west.

913. Lord *John Manners.*] Can you tell the Committee how much then out of the three acres and two roods proposed to be purchased would be available for re-sale or letting?—I can only give you a guess. I have never had it measured; one can only give a guess by looking at its colouring here. I suppose that that (*pointing to the map*), might be an acre and a half, or something of that kind.

914. The total estimated cost, I believe, of the three acres and two roods was 668,000 *l.*?—Yes; but I cannot state exactly what was not included. I think any purchase in Thanet place was not included in that estimate.

915. The brown (*pointing to the map*) was not included?—No.

916. It comes to this, that out of the three acres and two roods which the Commission recommended to be purchased, about an acre would remain to be re-sold?—I have no doubt as much as that.

917. The total cost would be 668,000 *l.*; and from that would have to be taken the price of the acre (we will call it an acre) that remains over and above?—Quite so.

918. Now the depository of wills and the registry, and all the offices connected therewith, are not proposed to be included in the reduced plan on either site?—No.

919. They were all of them included, I think, in your accepted plan?—They were.

920. Can you tell the Committee at all what amount of ground at present is occupied by the Depository of Wills and the Registry, and the offices connected with them?—No, I cannot at all. I do not think that it would be important evidence either, because, as you know probably, there is a number of houses which have been joined together from time to time, and they cover an area which is not properly dealt with; really, the houses there are very low inferior property.

921. Whatever the property amounts to, of course it would be available for re-sale, in the event of the original plan being carried out?—Quite so.

922. Therefore, in the event of Parliament sanctioning the plan recommended by the Commission, there would be that acre coloured green to be re-sold, and all the land, whatever it is at present, that is occupied by the Depository of Wills, and the Registry, and the offices connected with them?—Yes.

923. I think you have already said that the Commission have not recommended that great street that we were talking about the other day, on the north-west of the Carey-street site?—They have not recommended that.

924. Can you tell us whether, in your opinion, it would be equally desirable to have that street made, whether the Law Courts were placed on the Carey-street site or on the Howard-street site?—I do not think that it would be equally necessary; it would be desirable in any case, as I said in my evidence before, to take the opportunity of getting a thoroughfare from south to north in that part of London; but if the building were put on the Howard-street site, then the street would come opposite Serle-street, and the natural line would be a continuation of Essex-street across to Serle-street, and so to Holborn; and you would not want that other north-western line of road, as I said in my evidence on Friday, if you had a street coming up there (*pointing to the plan*); it would be a natural way of laying out this ground, to have a street across here too (*pointing to the plan*).

925. Will you explain to the Committee why, in the event of the Serle-street improvement being made by the opening out of the Great Turnstile, in your opinion, a north-western approach would still be requisite for the Carey-street site, and not for the Howard-street site?—I did not say that. As far as the Courts of Justice are concerned, if Serle-street is improved, and there is an opening made opposite, that would be sufficient for the site of the building here (*pointing to the plan*).

926. As far as the Law Courts are concerned, we need not trouble our heads about that street, therefore?—If you take the widening of Serle-street, you need not.

927. Can you tell us what is the narrowest part of Serle-street?—26 ft. 10 in. between the houses.

928. Whereabouts is that?—It is below Portugal-street, in that part (*pointing to the map*).

929. Is not the narrowest part of Serle-street the part nearest to Carey-street?—Yes, it is.

930. Therefore, if the houses coloured yellow were purchased, Serle-street would be widened at its present narrowest part?—Yes, if the eastern side of the Cook's-court block is purchased, then the street might be widened in its worst part.

931. But even now it is 26 feet wide, is it not?—Twenty-six feet wide in the narrowest.

932. You

932. You mentioned, in your evidence, that if the Howard-street site were adopted, convenient accesses to the north would be found by Chancery-lane and Fetter-lane; I think you gave us the width of Chancery-lane, can you now give us the width of Fetter-lane?—I did not say that they would be convenient accesses; I said that they would be two bad accesses instead of one bad access; Fetter-lane is very narrow; it seems from the Ordnance map to be about 21 feet at the narrowest part that I can find.

933. Now, with respect to the bridges, I think you said that where you have proposed to put a bridge across the Strand it is 175 feet wide?—Yes.

934. And what is the width of the Strand where you would propose to place the bridge to the Carey-street site from the Temple?—The width I proposed to give on the approved plan was 55 feet; the actual width of the Strand at the narrowest place place is about 40 feet at present, but 55 feet was the width of the arch which I proposed on the approved plan.

935. In the one case you would have to build a bridge of 175 feet in length, and in the other of 55 feet?—Yes; it would have two arches, with a pier between them.

936. Have you any estimate of the respective cost of these structures; The one was a covered bridge and the other is an open bridge; I have not made an estimate; there is no doubt that the wider bridge would cost more, though it is not covered.

937. Then, as we understand it, the bridge is to be prolonged by an arcade down to Howard-street?—Yes, that is my proposition.

938. Have you estimated the cost of the arcade?—I said in my evidence on Friday, that it appeared to me that the advantage to the houses built there for use as chambers, law stationers' shops, and so forth, would be so great by having two traffic ways, that probably any persons who took the land for rebuilding would take it without any diminution of the rent which they would pay to Government on that consideration; it appears to me to add largely to the value of the land.

939. Do you assume they will pay for the cost of the arcade?—It is simply making so many piercings in the front walls of the houses; the additional expense of the building is nothing; it is the sacrifice of a certain amount of area on one floor; in the one case they would be offices very high above the ground, only reached from Essex-street; in the other, they would be offices reached by a level road very much frequented by lawyers and lawyers' clerks, and so forth, and therefore you would have the advantage of two ground floors really; my own impression is that it would increase the value of the property.

940. Then you are not prepared to tell the Committee what would be the extra cost of building a bridge at the wide part of the Strand over that of building a bridge at the narrower part?—I should think it would be a safe statement that if it cost 10,000 *l.* more, that would be the outside; I should say that it would not cost so much more by a good deal.

941. Have you estimated the cost of the Temple Bar bridge?—There was an estimate made, I think, at the time that I sent in my plans in competition, but I forget what it was now; I think some 6,000 *l.* or 8,000 *l.*, or something of that kind.

942. Now, with respect to the reduced plan on Carey-street, the point that you most complained of, I think, was the angle of your proposed building that would come close to Yeates's-court, is that so?—What I most complained of was the surroundings of the site; I said that in order to make the most of the land, I had brought my building within 10 feet of Yeates's-court, but I was satisfied that when it was done, Yeates's-court would be pulled down.

943. And Yeates's-court is included in that ground which the Commission recommended to be purchased?—Yes.

944. The part of your building which comes within 10 feet of Yeates's-court appears to be a sort of projection?—Having to deal with property so bad, I made what I thought an ingenious termination of my building, making windows in the towers which look down, not the 10 feet, but 100 feet, probably; I should have had no windows towards the court at the narrowest part.

945. I suppose that if the proximity to Yeates's-court was thought unadvisable you could easily re-arrange that portion of your scheme?—Yes, of course.

946. With respect to the bad air, and so forth, from Clare-market, will you explain to the Committee whether Clare-market abuts upon the Parliamentary site, or whether there is any property, and, if so, what property, interposed between Clare-market and the Parliamentary site?—I am not quite certain how far Clare-market extends. I see on the map there is a very short street, called Clare-market; but if you were to go there you would find that all the streets are of the same character. It begins at Clement's Inn-passage, south-east of Clare-market; that is as bad a passage as you can find anywhere; and the three streets at right angles to Clare-market, Houghton-street, Holly-street, and Clare-street, are streets of fair width, but full of hucksters' shops, and shops of that sort. Directly you pass the Clement's Inn boundary you may say that the bad property begins.

947. But, as a matter of fact, Clement's Inn is interposed, is it not?—Hardly; there is a space between Grange-court and Clement's Inn-passage, which would be open to it; and upon the great scheme we proposed to interpose a new Clement's Inn between the building and those back premises. I think that the open space, supposing you took down those houses, would be 100 feet; I mean the opening towards Clare-market.

948. I think you have already said that it is on the west side that, if the reduced scheme is to be applied to the Carey-street site, you would wish some additional purchases to be made?—The want of space from north to south pinches me more than anything. You might shorten the site from east to west, and make room for a reduced scheme, but if you are to carry out anything like the arrangement of the plan sanctioned by the Commission, you must also purchase property on the north side of Carey-street.

949. Do I rightly understand you to say, that if you purchased property on the north side of Carey-street, consisting of those low houses on to the south of Lincoln's Inn, you would then be able to part with a portion of the already acquired ground of the Carey-street site?—Yes; you would be obliged to buy some of Dane's Inn, and on the other hand to sell some of the other side. I think I answered the question to the

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Chairman of this Committee on Friday, that a give-and-take arrangement might be made, if everybody were willing.

950. In your evidence the other day, with respect to the Howard-street site, you stated that the value of the property between Howard-street and the Strand was, in your opinion, enormous?—Yes, I should say enormous; I am told a million; but that is a very rough statement.

951. In the event of the Law Courts being placed on that site, I need hardly ask you whether the value of the property not purchased would be increased?—I have no doubt that it would be increased, but not in the same proportion as the property round the Carey-street site. The houses to the north of Howard-street are already respectable houses, and there would not be any reason for pulling them down because the Law Courts were built there. Whereas if you look all round the property on the Carey-street site, you will see that they are all bad houses; and the first thing that anybody would have to do would be to pull down all the houses and rebuild them, so that you would have houses rebuilt on a much larger and grander scale than would be done on the Howard-street site; you would have houses of the same character on the latter for some years to come.

952. We have it as your opinion, that the value of the property on the Howard-street site is enormous, and that it will be increased, though not largely, if the Law Courts are taken there?—No doubt it will be increased in value.

953. Whether, therefore, for practical purposes, or for giving a better view of any large building that might be placed there, we may assume that it would not be practicable for Government hereafter to purchase property in order to add to the site on the Embankment?—I cannot say about its being practicable for the Government to do it; it would be very costly, no doubt.

954. That is to say, that if at any future time it is thought advisable to bring either more courts or more offices into the concentration scheme, it would be extremely expensive to do so on the Embankment site?—There is no doubt it would.

955. Now with respect to the proposed building itself on the Embankment site, I see that since we met the last time a design has been placed before us. Looking at the design, are the Committee to understand that the top of the roof of the proposed building is higher than the roof of Somerset House or not?—Yes; the parapet is level with the parapet of Somerset House, so that in a very near view, when you are looking along the Embankment, the roof will be very much foreshortened; still, it would look somewhat above the roof of Somerset House. The line that I gave you was the line of the height of the top of the parapet, which is the same in both cases.

956. The eye, of course, would rest upon the roof?—Yes; in fact that drawing represents exactly the right proportion.

957. The roof is higher, and the building itself projects 50 feet in front?—Yes, 50 feet in front of Somerset House, to the line of the terrace.

958. What is the height of the building?—I think it is 75 or 80 feet, or something of that kind from the Embankment, I am not quite certain.

959. Can you tell the Committee how high your building would be with respect to the houses on the north side of Howard-street, next to the Strand; take Messrs. Smith's, for instance?—No, I have not measured Messrs. Smith's, that is very lofty indeed; but seen from Waterloo Bridge my building would entirely conceal Messrs. Smith's premises, because you see the roof of the central hall, for instance, is so high that it conceals the tower of St. Clement Danes; I did not measure Messrs. Smith's premises, but I took the exact level and height of the spire, and that is not visible above the roof.

960. That is from Waterloo Bridge?—Yes.

961. Take the Embankment?—From the Embankment there would be no chance of seeing anything of it; Waterloo Bridge is the place where you would see most.

962. With regard to looking down narrow streets at the building, I think you mentioned Longleat the other day?—Yes, I mentioned that as an example of looking down to a house; I said that I did not think that from the Strand, when you only see a narrow section of the building, it matters much whether you look up or down, though I would rather, on the whole, have it level, and I quoted Longleat as evidence of the fact that a very large building may look striking though you look down upon it.

963. But is there not a difference in looking down through trees and through houses?—It seems to me that looking down a narrow street is an extremely picturesque way of seeing a building.

964. Looking at the Ordnance map behind you, supposing that you were unfettered in your treatment of a great building to be placed on the line of the Embankment, starting from the south-west corner of Somerset House, is that the line that you would select?—I should bring it out a little more at the south-east angle of the new building; I would keep at the same distance from the Embankment wall as far as I could, and the more one could, by this arrangement of the plan, follow the line of the river, the better the scheme would be, I think; that has been my object in that plan, to do it as nearly as the railway would allow.

965. How near have you come to the railway?—It varies very much at different parts; the south-east end is the nearest. At the south-east there is a pavilion which comes within 10 feet of the railway, but the railway is parallel with the general line of the front of the building at a distance of 60 feet, which is just about the same distance as Westminster Abbey is from the Metropolitan Railway.

966. I think your attention was called the other day to evidence given before Lord Elcho's Committee, on the subject of vibration?—I was asked about it.

967. Have you paid any attention to that evidence since you were here?—I was not aware that the Report was out; but since then I have been looking at the Report, and my opinion is still that the suggestion of a very large bed of concrete under the building is the best suggestion that could be made, with the addition of one that was made by Mr. Bazalgette, I think, to interpose an area between the foundations and the railway so as to stop all vibration, leaving, practically, an area which would be formed on the one side by the side wall of the railway, and on the other by the foundations of the courts.

968. And is your proposed building in such a position with reference to the railway that Mr. Bazalgette's

Bazalgette's suggestion could be carried out?—It could be carried out perfectly easily. I think that the projecting parts of the building might be affected by the vibration; but when you consider that the general line of the building is as far from the railway as Westminster Abbey is from the Metropolitan Railway, when you consider that the foundations here are proposed to go very much below the bottom of the railway, whereas at Westminster Abbey they are above them, and that Mr. Fergusson and Mr. Scott, and other gentlemen, seem to have gone to the top of the clock tower at Westminster Abbey, and to have tried in vain to discover that there was the least vibration; I do not think that there would be any danger of the general line of the building being affected, although the south-east angle would be affected, I think, by the vibration.

969. Is there room at that angle to place the area which Mr. Bazalgette recommends?—You could make a space there between the railway and the building; the railway is so constructed that it does not exert any thrust on the side walls; there might be an area of five feet there, or something of that kind, which, if the wall is made sufficiently thick, would be quite sufficient; I doubt whether you would quite get rid of vibration in the south-east angle. I have made the projecting centre of the building rather larger than is desirable for architectural effect, perhaps, but I was not certain how it would work out; it comes on this plan within 20 feet from the railway.

970. Mr. *Layard.*] That is only a sketch (*pointing to the design*)?—Not only a sketch, but a sketch made between a Monday and a Saturday, and therefore it must be taken as merely a sketch.

971. Lord *John Manners.*] I understand that you would have to reconsider even the plan?—I should have to reconsider the detail of all the rooms; that projection is caused by having to provide a number of rooms for the Lord Chancellor and the Lords Justices beyond the number required for the other judges; but of course all these plans are block plans which show the general arrangement of the area, and I have not got very far in settling exactly how the rooms would be arranged.

972. Earl *Grosvenor.*] Is it not your opinion that this is one of the few available sites, and one of the finest sites in London, for a public building of great national importance?—I think it is a magnificent site for a public building; the Committee have only to go to these windows to see the effect from here; you will see that from the warehouses of the India Office on the right, looking to the other side of the bridge, almost the whole space would be filled up by this building.

973. Do you think that, considering the enormous extent of London, and the unhappily prevailing fog and smoke, distant views are worthy of consideration?—I think so; on some days we have not those fogs. It is not, however, of the same consequence for a building to be seen at a great distance. It requires some magnificent feature, like the dome of St. Paul's, of enormous bulk, to make its mark among other buildings, and a tower does not produce the same effect, as we know in the case of the Victoria Tower.

974. Supposing that the building were put on the Carey-street site, I suppose that the vibration would be as great or nearly from the Strand, as it would be on the Howard-street site from the railway?—The vibration from heavy waggons passing along the Strand is very great indeed; but I have already expressed my opinion in my report, that the annoyance from noise and so forth on the Carey street site would be greater than the annoyance on the Embankment site; this railway is the one annoyance on the latter site. I ought to supplement what I said just now, by saying that the courts of justice themselves will nowhere be nearer than 110 feet to the railway; that the rooms which come within 60 feet and less are most of them offices and judges' rooms, and so forth, none of them courts of justice; but the courts of justice at the nearest point are 110 feet off.

975. Mr. *Bentinck.*] Do I rightly understand from your evidence, that the two rival reduced plans stand upon the same area virtually?—The two plans in the report cover somewhere about the same; the one that you have before you has rather a larger area covered with building; it has rather a larger area, because I apprehend that we shall be obliged to confine ourselves there to four storeys high, whereas, on the Howard-street site, owing to the greater fall of the ground, we might have a fifth storey without inconvenience.

976. They have, to all intents and purposes, the same accommodation?—Yes.

977. The additional courts that you specified would have to be provided in both?—If you return back to the great plan, that would be so.

978. As to the question of access, in answer to Lord John Manners I understood you to say that the northern approaches, which you thought so desirable in the Carey-street site, would not be required in the Howard-street site?—Just so; I explained that on Friday.

979. You propose now, in the event of the adoption of the Howard-street site, that a broad street should run across the Carey-street site, and communicate with Serle-street?—Yes.

980. And that, you consider, would be sufficient for a north-western or northern approach?—In itself it would be a great advantage to the building; but I view that street as an enormous metropolitan improvement, not as a necessity for the courts of justice on the Howard-street site, because there are so many modes of access to the Howard-street site; people will come round the Embankment roadway from a great part of London; people will use Drury-lane and Endell-street, or Wellington-street from the north-west; and from the north-east they will use not only Chancery-lane but Fetter-lane, and, I have no doubt, to a considerable extent, Farringdon-street, because a cab from Smithfield could come quickly all the way to the Embankment through that street.

981. You create a northern artery by a new street joining Serle-street?—Yes, for the sake of London, rather than for the sake of the law courts.

982. As regards the eastern and southern approaches from the Embankment, you stated, on Friday, that it is a fact that the Strand requires great relief?—Yes.

983. Are you not aware that there are improvements going on in the City which will tend to that relief by the forming of a new street from the Mansion House down to the Embankment?—I doubt whether that will relieve the Strand very much. The effect one sees of the metro-

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politan improvements, is that the old streets are still as much crowded as ever; and the reason that the Strand is so blocked with people is, that there is not any portion of the Strand which has not a shop or a place of business on it, which brings and creates traffic. The Embankment roadway will be a great through thoroughfare probably for people coming from one end of London to the other; it will not be crowded with people stopping at doors, because there will be no doors to stop at.

984. In your opinion the City improvements will not lighten the traffic in the Strand?—I doubt whether they would ever diminish it to an appreciable extent.

985. As regards the enormous crowds who are to arrive on the Embankment, and go to the Law Courts from the south and the east, how far would they have to go from the railway station and steamboat pier, and the Embankment generally, to the Carey-street site?—It would be about 950 feet from the railway station to the south front of the building.

986. There are already three streets between the Embankment and the Strand, namely, those three streets that you see on the plan?—None of them run down to the Embankment, they all combine in one at the bottom; the three streets all come down on to the Embankment at different levels, and a rising road coming round the railway station is proposed, which will intercept all those streets, so that all three form the same road at the bottom, and then wind round on to the Embankment.

987. Do none of those three streets come on to the Embankment?—No, they could not do so directly, because at the bottom of the street you would have a rise from the embankment up to the end of the street of one in ten, or something of that kind, which is an impossible gradient.

988. Is it not contemplated that those streets shall communicate with the Embankment?—Yes, but they communicate with a road which intercepts them all, and then winds down to the Embankment.

989. What you mean to say is, that those three streets would all fall into one street at the bottom?—Yes, an intercepting street.

990. Norfolk-street is a very wide street?—Not very wide; it is a good street; call it 50 feet. I believe it is 48 feet.

991. With regard to the omitted courts and offices which you referred to in your evidence the other day, they stood in the original plan, I think I understood you to say, upon an area of 284,000 superficial feet?—They stood upon a very large area. I forget the figures.

992. Are you acquainted with the courts at Lincoln's Inn?—Yes; I think that I know all the courts there.

993. And the offices which belong to those courts?—Yes; the various offices spread round.

994. You are also acquainted with the Rolls Estate, situate on the eastern side of Chancery-lane?—Yes.

995. Could not these omitted law courts and offices be accommodated upon those two sites, upon the Rolls Estate, and also upon the site of the Lincoln's Inn Courts?—The Lincoln's Inn Courts, you know, occupy a very little space indeed; you are aware that they are two courts formed out of a dining hall.

996. I include out of that the Vice Chancellors' Courts and the block of buildings which forms a sort of island in Old Square?—That is the old dining hall, is it not, cut into two courts.

997. The old dining hall and the rooms which are now used by the Lords Justices, and their offices, and the rooms behind the old hall used by the Lord Chancellor, and his offices; and, in short, the block of building which forms an island?—That is the piece that you refer to (*pointing to the plan*). You could not remove the chapel (*pointing to it*).

998. The whole of that part (*pointing to the plan*) is virtually occupied by Courts of Chancery or the offices of officers belonging to the Courts of Chancery?—I think that the three temporary courts here (*pointing to the plan*) are very objectionable; their area is very small.

999. On the upper part of Chancery-lane there are the offices which belong to the Registry, formerly occupied by the Six Clerks?—Yes, and the Accountant General; the Accountant General is not now proposed to be removed, you know.

1000. I wish to ask you whether you do not think these omitted courts and offices might be placed upon that area upon the Rolls estate?—I do not exactly know how much of the Rolls estate would be left, or how much is proposed to be occupied by the Record Office, but it was always looked forward to by the Commission that there should be the prospect of enlarging the building on the east side of Chancery-lane; but if you ask me about the other property, it seems to me that to arrange a little bit of the building here, and another here (*describing it*) would be no improvement upon the present state of things.

1001. But if the Rolls estate was adopted it would clearly be more convenient that the main building should be on the Carey-street site?—The Rolls building forms an admirable opportunity for enlargement, no doubt, because the land is Government property.

1002. As regards these towers that we see on that design, are they part of the plan?—Well, they look as if they were.

1003. I ask you that question because the other day Mr. Field told us that the towers were omitted altogether?—But I am not responsible for his description.

1004. Are they essential to the architectural effect, in your opinion, of the building?—I think they are an enormous gain to it; a building may be a good building without towers, of course, but two of those towers are intended for the purposes of ventilation; the other is a clock tower which I thought to be of great advantage to that part of London as well as to the building, and, up to a considerable height, it might be used. For instance, there was a stationer's department proposed by the Commission which might perfectly well be there. The writing clerks have nobody to see them, and the further they are removed from the general public the better, and they might perfectly well go up to a sixth floor if necessary, to do all the law stationers' work done in the building.

1005. I understand you that the clock tower would be utilized?—The lower part of it would, so that the expenditure upon it would not be entirely thrown away.

1006. It has not been proposed to omit the towers altogether?—No.

1007. Sir *William Tite.*] With reference to a question asked you by the noble Lord, as to the

the original and larger design, in that there was a very large tower?—Yes.

1008. And was that intended to receive the wills?—I think that you are under a little misapprehension as to that.

1009. It is shown on that drawing?—Yes, but that is not the design that has been approved; that is my competition design. In the original instructions to architects, the architects were told that the heads of the Probate department thought it would be a very good thing indeed, to put the wills either in a tower or towers. Upon that instruction I provided that tower; but when I came to discuss the question with the officers, they said that what they would prefer would be to have two towers; and so in this plan, which has been approved by the Commission, there were two towers inside the building inclosed by walls. They were frightened by the explosion in the Coldbath Fields, and they thought it important to have the depository for wills inclosed in the quadrangle.

1010. At all events, in that approved arrangement, you had a depository for wills?—Yes.

1011. Which demands enormous space?—Yes; 365,000 cubic feet they wanted.

1012. That of course is not essential to the practice of the courts, or necessary to it in any manner?—I should think not.

1013. A will is rarely referred to, and if wanted, a certified copy is often sufficient? Yes, one of these towers was for original wills, and the other for copies; of course the applications for very old wills are rare, so that Dr. Bayford, the head of that office, thought that the fact of the wills being stored a considerable height above the ground, in the case of old wills, would be no great inconvenience.

1014. But is it your opinion or not, that the original instructions which you embodied in your original design, and which you have attempted to modify and re-arrange on your larger plan, were exceedingly extravagant in their demands for space?—I should not like to say that they were exceedingly extravagant; I thought there were many respects in which they were extravagant, and as soon as I was appointed architect to the building, I suggested whether they could not be reduced, and a sub-committee was appointed, and we did very largely reduce the amount of accommodation.

1015. Then you consider that they were extravagant originally?—I consider that they were extravagant, but not extremely extravagant.

1016. Was there not in your original construction, and is there in your amended plan, a great arrangement of kitchens and eating-rooms?—In the large amended plan there was a dining-room, but it was provided in the basement.

1017. And necessarily a kitchen also?—Yes.

1018. Do you know the meaning of a "despatch kitchen"; have you heard that phrase?—Yes; I forget what it is now.

1019. Did you provide a "despatch kitchen" in the original design?—No; there was simply so much space given up for refreshment-rooms generally.

1020. Is that mentioned in the original instructions?—Yes; but there is no reference to a despatch kitchen.

1021. With regard to the accommodation for waiting-rooms, is it true that there were to be waiting-rooms for plaintiffs' witnesses and for defendants' witnesses; one for plaintiffs' male witnesses and one for defendants' male witnesses; one for plaintiffs' female witnesses and one for defendants' female witnesses?—Yes, all that was provided.

1022. Is that abandoned?—It is not altogether abandoned, but it is reduced considerably there, and I have reduced it again in the plan that I propose for the Embankment.

1023. All those things would rather suggest that there was a considerable amount of extravagance, although you objected to the word "excessive"?—Yes; I did not like to use the word "excessive," because, as far as I have been able to judge, I do not think that there was a very extravagant demand on the part of the heads of the departments, so much as in those rooms for which nobody was responsible; rooms for plaintiffs' witnesses and defendants' witnesses, and jury rooms, and so forth: I think that there was a great deal of extravagance in that block connected with the courts, a great many rooms that would be very seldom used indeed.

1024. In the plan for either the Carey-street site or the Embankment site, the extravagance of those demands is greatly diminished, I suppose?—I have reduced it very largely indeed.

1025. You have told us that the area is pretty much the same in the two cases, only that in one case you have put a fifth storey, which you cannot so well do in the other case, from the nature of the site?—Yes.

1026. Is it possible, do you think, still to diminish the Embankment site, if we chose; you have left out three courts completely, if I understand you rightly?—Yes.

1027. Is it open to us to leave out any of the accommodation in that site, still further to diminish it?—I very much doubt whether it is; I hold it to be of great importance to make all the rooms connected with the court the same throughout, so that anyone who knows the rooms in connection with one court, will know them in all; in connection with every court, I have placed a jury room and a witnesses' room; that is a convenient arrangement. None of the rooms are excessive in their size, and they are very much reduced from the original demand in the book of instructions to the architects; I do not think that you could reduce it more. As to the judges' accommodation, I am somewhat doubtful; I do not quite understand how much use is to be made of their rooms; but if we got all the judges and clerks on one floor behind the court, if that were possible, it would be an advantage, because we should have the whole use of the rooms underneath them, as well as over them, for offices.

1028. I understand that you have really studied the subject in all its details, and I want, not the opinion dictated to you by the Commission, but your opinion as the architect; can you reduce this enormous extent of six acres for the building without diminishing the real convenience of it to the public?—I have no doubt that there are small reductions still possible when we come to arrange the details of the plan. For instance, there are a great many retiring-rooms provided for officers, which men in my profession can carry on their profession without.

1029. Are the courts no bigger than they ought to be?—I do not think that they are.

1030. Is the central hall larger than it need be; I mean on your reduced plan?—I do not think so.

 1031. What

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1031. What is the size of it now?—In the approved plan it was 55 feet by 322 feet; that is an area of 17,710 feet. The hall in this reduced plan is 50 feet by 280 feet; that is an area of 14,000 feet; so that I have reduced the hall for these reduced plans. I thought the hall was perhaps unnecessarily large in the other.

1032. Still that is very large?—It is a grand size.

1033. How big is Westminster Hall?—239 by 68; an area of 16,252 feet.

1034. I find, on looking at the instructions, that there was a very large space mentioned for libraries; what have you done for that?—It would remain for the Government to instruct me about that; at present the whole arrangement of the building is so very unsettled that I expect I shall have to have some instructions on questions of that kind from the Government, as to whether in either case they would build a library or not.

1035. But, in the one case or the other, you have a very large space for a library?—Not in the reduced plan; I assume that the library would be reduced and put over the Bar room, which is also reduced. I thought the accommodation originally given for the Bar rooms too large.

1036. What is the meaning of the term "Bar rooms"?—There was a large room for the Bar, and a refreshment-room for the Bar, and a large library for the use of the Bar and attorneys.

1037. I think that I gather this; that you could, by careful study, and with some authority to guide you, still diminish (may I say sensibly?) the space required on the Embankment site?—I do not think that I could; I have first of all succeeded in reducing the building for the Carey-street site from the large plan, and I have taken the liberty to assume that a great many reductions would be made, and those I have calculated upon; I do not think that you will be able to reduce the building any farther than I have already on this Howard-street site.

1038. Not the six acres?—It is not six acres for building.

1039. What is this end building on the plan (*pointing to it*)?—They are all offices.

1040. Mr. *Goldney.*] In the original instructions to the architects, was it not clearly defined and laid down that you were to confine yourselves to the yellow space laid down on the plan (*pointing to the plan*); I will refer you to page 93; you are directed there, in the first instance, to confine yourselves entirely to that; "Resolved, that, subject to the qualification in the paragraphs 10, 11, and 39 in the instructions to the architects as to Clement's Inn, the architects be instructed to confine their plans for the court building to the part coloured yellow on block plan of site"?—That plan (*pointing to it*) was subsequently modified.

1041. I ask you whether, in the first instance, it was not as I say?—I believe that, in the first instance, we were directed to confine ourselves to a particular width from south to north.

1042. In the first instance, the competing architects were directed to confine their building to the yellow space?—I do not think that was so; my impression is that it was not.

1043. The architects afterwards met together, and Mr. Scott wrote a letter on their behalf, saying that they should like to have a large space from north to south?—Yes.

1044. In that letter Mr. Scott said that it was possible to put the building on that other space, but that they would like to have more: on page 107 he says, that "though the whole scheme might possibly be carried out on the ground indicated by the yellow tint, it could not, in their opinion, be done without a sacrifice of convenience"; and then he asks for the additional land?—Yes; eleven of them met together and agreed to ask for 510 feet from north to south, and 700 feet from east to west.

1045. Then a qualified addition was made that you might bring the buildings to the border of Carey-street, but not go into Pickett-street?—That we were not to encroach on Pickett-street; that circle was to be left out of the building.

1046. Nor were you to encroach on Carey-street?—Yes, we were to deal with Carey-street by encroaching on it.

1047. On page 109 I find this resolution: "In preparing his design each architect may consider that any part of the lands coloured blue, which such design may require, will be purchased, and that liberty be given to the architects to vary the site of the actual building, as suggested in their letter, except that no part of Carey-street or Pickett-street is to be included in such site?"—Yes, but I think you will find somewhere else that that was the building line; beyond that was to be the area, and such projections in the way of staircases and so on, as we chose. There is a letter, rather late on, from Mr. Waterhouse, asking whether he was at liberty to make projections beyond that line to the front of the area.

1048. I will read Mr. Scott's letter on page 111, with the reply to say that they would not consent to go on either with Carey-street or Pickett-street: Mr. Scott says, "I think that there was no general feeling in favour of including any part of Pickett-street; but there was, I am bound to say, a very strong and very general feeling of the necessity of adding as much as possible to the depth of the site from south to north; and, as a means of effecting this, it was a general opinion that the open area for giving light to the basement might, with the greatest advantage to the arrangements, be made to occupy a part (say 15 feet) of the present roadway in Carey-street, the loss of width being more than made up by the addition to its north side of the space tinted red on the plan; so that, in effect, no part of the building itself would go beyond the present line of frontage in Carey-street. All we ask is, that we may not be compelled to set our building back from that line of frontage;" then you find on the following page that the words "Carey-street" were struck out, but that Pickett-street was wholly excluded?—We were not allowed to go into Pickett-street, but were allowed to do what Mr. Scott asked in Carey-street.

1049. "All we ask is that we may not be compelled to set our building back from that line of frontage"?—Yes; we were to build up to the edge of Carey-street, and take the area out of the then existing Carey-street.

1050. There was an application afterwards for some further alterations at a meeting of the 27th of June, at which the architects were not unanimous, I think; were you one of these that signed

signed that?—I was there; on what point do you mean they were not unanimous.

1051. Not unanimous in saying that any further land was necessary; you will find on page 140, that Mr. Scott stated in his letter "that the competing architects considered the obtaining of compulsory powers for the purchase" of land, and that they were not unanimous about it?—It was a meeting which was held about two months before the competition plans were sent in, and when every man's plan was so far advanced that it was impossible to alter it; I do not seem to have been present at the meeting; I suppose that I thought it unnecessary to go to a meeting about the site at that time of day, but if there was any apparent disagreement among them, I suppose it was because no one liked to show his hand to his neighbour.

1052. Could a building larger than this reduced plan have been placed on the Carey-street site, as purchased?—I do not think that it could with propriety in its present shape.

1053. I ask whether it could be; I do not say "with propriety"?—Yes; any amount of building can be put upon any site, if you do not care about air and light.

1054. I ask whether a building larger than the one now suggested could be placed on the Carey-street site?—Yes, if you are not particular about the air and light.

1055. With regard to this additional land, as to which some questions have been asked you, was the suggestion made by you in the first instance after your appointment in 1868?—Yes.

1056. The requirement emanated from you, and not from the Commission?—I forget exactly how I came to be asked to report, but I reported, and the Commission considered that most of these lands were indispensable.

1057. I ask whether it did not emanate from you?—I presume, as a matter of course, that it did.

1058. And not until the final appointment of yourself as architect in 1868?—Of course not; I had no instructions from the Commission until then.

1059. Have you ever heard any complaints from the residents of Clement's Inn and New Inn, with regard to the defective air from these places of which you have spoken?—No.

1060. Have the buildings existed as long as you remember?—Yes, and in the same state.

1061. Have you heard any complaint about King's College Hospital suffering from it?—No.

1062. I want to draw your attention to the comparative statements of Mr. Burnet and yourself with regard to the statement about the available space for offices; it is in the report of a sub-committee appointed by the Courts of Justice Commission; in the first statement, the "original statement," it is put that the original requirement for offices was (leaving out fractions) 256,000 feet. In "Mr. Street's Howard-street Scheme," the available space for offices is put down at 180,000 feet?—Yes.

1063. In the "reduced scheme for Carey-street site," it is put down at 278,000?—Yes.

1064. And at the bottom is a foot-note, foot-note B., "Any floor space that might be provided for offices in the court block is omitted in these measurements, because it may be added equally in each case": now I will refer you to the statement in Appendix A., which I presume was drawn up by Mr. Hunt?—No.

1665. By you?—No; the comparison headed "New Law Courts," that you have been reading from, is the comparison made by Mr. Burnet; the next one is Mr. Burnet's comparison corrected by the Committee.

1066. Of which Mr. Hunt was a member?—Mr. Hunt was a member, but he had no more to do with it than any other member of the Committee.

1067. In the Appendix A. there is a quantity of 96,000 feet added as "Total space provided in court block," which brings up the requirement to the original area, 285,000 feet?—Yes.

1068. And in the next column, giving your reduced plan for Carey-street, you say, opposite to "office accommodation," "practically the same as the Howard-street scheme"?—Yes.

1069. To make up the area of office accommodation you have abstracted 96,000 feet in the Howard-street plan from the court block?—It is provided in the court block.

1070. If that same quantity of space were abstracted from the court block in the Carey-street site, would it not give you the 278,000 feet plus the 96,000 feet?—No; the two schemes now are just the same; the 96,000 is provided in the court block in either case, and 190,000 in the rest of the building; these figures in the first sheet, this "original statement," are all wrong, and have been corrected by a sub-committee once.

1071. Look at the foot-note in E., please: "Any floor space that might be provided for offices in the court block is omitted in this measurement"?—Quite so; that is in what is called the reduced Carey-street scheme.

1072. To make the comparison equal, would not the 96,000 feet have to be added to that 278,000 feet?—No, because I have reported at length on that point, to show that it is not possible to get that space without making an entirely different plan. In order to get the power of using those rooms, I altered my scheme for the central block of courts and offices completely. The approved scheme had external staircases for the general public to get to the courts; but I have done away with those staircases because passages to them from the galleries, cut through the floor above the judges everywhere. There are no spaces provided for those staircases, and no provision for getting to them; and I do not see how, without the entire re-modelling of that plan in the way that I did re-model it for Howard-street, you could make use of that office accommodation there.

1073. You mean that in the Howard-street plan you could abstract the 96,000, and in the Carey-street plan you could not?—It is not abstracting; I add a storey there. I make a more economical use of the building.

1074. Then shall I take the answer in this way, that you add to the offices by a storey in Howard-street, which you think it would be impossible to do in Carey-street?—Impossible without an entire alteration of the plan, as shown in my reduced plan.

1075. Supposing that the Howard-street plan were carried out, how many steps would a person coming by the railway have to go up from the railway to the Strand; would it be 120 steps?—There would be 14 feet 6 in the first place from the platform of the railway station to the ground, I believe; then there would be an incline

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incline in the quadrangle till you came to the entrance to the central hall, and the people coming from that side would have to rise 12 feet to the floor of the central hall (I do not know whether I have yet mentioned here that I have assumed that the Thames Embankment roadway was 14 feet above the Ordnance datum; it turns out that it is 16·50, so that all the dimensions here are shown on my block plans two feet worse than they ought to be). From the hall to the courts would be 15 feet 6; so that the height to be taken by steps from the platform of the railway station to the floor of the courts would be 42 feet.

1076. Assuming the steps to be six inches, that would make it 85 steps?—Yes.

1077. As regards the mode of access in Carey-street, have you ever compared them with those to the new Royal Academy?—You mean the streets that lead to it; no, I have not compared them with the Royal Academy.

1078. Which should you think that the largest number of people will be resorting to?—I should think, at any one time, to the Royal Academy, certainly.

1079. Do not you think that the approaches to the Royal Academy are narrower than those to the Carey-street site?—No, I should say not.

1080. I am not talking of the temporary entrance to the Academy, you will bear in mind?—But I am afraid that the temporary entrance shows you a state of affairs just as good as it will be when the court-yard is finished and opened; but it is very difficult to compare two things so dissimilar. Coming from the north, there are Sackville-street and Bond-street, both of which may bring a great number of people; you come down Sackville-street into Piccadilly, and so get to the Royal Academy, or down Bond-street and Dover-street, or Albemarle-street; from the south you have still better accesses; they all converge upon the south front.

1081. Is Piccadilly wider there than this part at St. Clement's Church?—No, not wider than it is at St. Clement Danes.

1082. That would be one entrance to the Royal Academy?—That is the only entrance.

1083. At that point the Strand will be wider?—At that point Piccadilly is not so wide as the Strand at St. Clement Danes.

1084. As to the foundations; have you seen the foundation that the gas company are obliged to take at Barking for their works?—No.

1085. Have you heard of it?—No.

1086. Would you be surprised if I said that it was 70 feet deep?—I do not know the nature of the site at all.

1087. It is by the river side with gravel similar to the gravel here, they say; have you considered it possible that it may be necessary to go right through that gravel?—Yes.

1088. What would be the depth of it?—It is about 35 feet below the Embankment roadway. At present there have been no borings made except on the front wall of the Embankment between Temple Pier and Waterloo Pier.

1089. Supposing that it were necessary to go through the whole of that gravel, would it materially increase the expense of the foundation?—Not very enormously. In the front of the building you might add for concrete about 6,000*l.* for every five feet in depth.

1090. Do you know the concrete that they are putting in at the new public offices?—I tried to learn yesterday, but I could not find Mr. Scott; but I know what has been done on the hospital opposite to us, and what has been done at the Middle Temple Library. In the case of St. Thomas's Hospital, I find that the main walls are carried down to the blue clay, which averages about 26 feet from the surface, and the walls rest on a bed of concrete at the average depth of 15 feet. The spaces between the main walls are only excavated to the gravel.

1091. What is the sub-soil of the Carey-street site?—I cannot tell you; there is gravel, no doubt, but they say there is sand as well. I think that when you get back from the line of the river, you may assume that the foundations would be the same in either case.

1092. You do not know when the railway will be finished?—No; but I believe that they are at work at this end of it.

1093. Would it be possible for the two works to go on together?—Yes, the railway is made independent of anything beyond it; it does not depend for support on anything at the back of the wall.

1094. Sir *William Tite.*] Do you know that from the parentalia, St. Paul's stands upon the gravel above the blue clay, except in one instance?—Yes.

1095. Mr. *Beresford Hope.*] I suppose that we may assume that the main reason for the proposed change of the building from Carey-street to Howard-street is of an artistic nature?—The main reason which operates with me, do you mean.

1096. With those gentlemen who wish to change the site from Carey-street to Howard-street?—I presume so; but I am hardly justified in answering for them.

1097. Generally, as a man interested in the question, that would be your inference?—Yes.

1098. The Chancellor of the Exchequer says that there may be economical reasons also?—Yes; they are economical reasons which are put to me by the Government.

1099. Do you think that this Committee may assume that a building generally sufficient for the purposes of law courts and their attendant offices might be placed upon either site, if we throw artistic considerations aside?—Upon the reduced scale it might, but I am no judge of whether the reduced building is sufficient for the purpose.

1100. But, assuming that it is?—Assuming that it is, I have shown by my Report that a building containing the same accommodation can be put on either site.

1101. Of course the question of preference between the two sites must depend a great deal upon the conformation of the ground in either case?—Yes.

1102. You have studied the Howard-street site?—Yes.

1103. And you are prepared to say that the conformation of the ground there is not unfavourable?—Yes.

1104. You do not think that the fact of the ground sloping down somewhat abruptly till it reaches a precipice at the end of the streets, and then resuming again on a dead flat upon the reclaimed ground is unfavourable?—In an artistic point of view certainly not, because that abrupt fall would disappear in the process of our works.

1105. Practically, is it unfavourable?—The only unfavourable point is the additional cost of foundations on the Embankment.

1106. And

1106. And the great labour that you must have in carting away a great deal of that rather irregularly formed soil, I suppose?—It so happens that a vast quantity of the soil that we take out of one place will go into another in the form of concrete; there is a vast quantity of valuable gravel all over that site, apparently.

1107. Is it not the case, that not only does the ground slope from north to south, but that there is a considerable inequality in Howard-street itself, which rises in the middle like a gable, and falls east and west?—Yes.

1108. Have you found any difficulty from that peculiarity?—No; it has led to a very convenient access to the central quadrangle; you descend from Essex-street and the highest part of Howard-street to the entrance to the block of offices; it is really a convenience as far as access to the building goes.

1109. Then you consider that in that point of view, the conformation of the ground, the Howard-street site has advantages over the Carey-street site?—I do not know that it has advantages; it is perfectly satisfactory. But the truth is, that if you deal with any site upon common sense principles it appears to me that there is very little difference between them; there is nothing inconvenient in the slope of the ground in Carey-street, and nothing inconvenient in the slope of the ground in Howard-street.

1110. I observe in your plans contained in this book that you propose to buy the church on the northern side of Howard-street?—I think it would be necessary, certainly.

1111. Supposing that the Chancellor of the Exchequer, from the economical reasons which he so properly called to your attention, should decline to do that, would your Howard-street plan be seriously damaged?—I think that you are suggesting something that is contrary to the fact; as I understand the Government have given notice for the purchase of those houses.

1112. On the whole of the north side?—Yes.

1113. Leaving the remaining houses between Howard-street and the Strand untouched?—Certainly; they are most of them very respectable London houses of their kind, you know.

1114. You look on the Essex-street improvement as an essential part of your plan?—Yes.

1115. Including the scheme of an upper row, like the rows at Chester, communicating by a bridge with the Strand, and a lower arcade communicating with it by a tunnel?—I think that it would be of very great advantage to the public, and to the lawyers in Lincoln's Inn-fields and Lincoln's Inn; I do not say that it is essential, but it would be a very great gain.

1116. Will you explain a little more fully how you propose to deal with that bridge. In the first place, it will be only a foot bridge?—Only a foot bridge.

1117. Do you propose having staircases to it on the north and the south of the Strand?—Not on the south; I should not see much use in that, though it might be contrived very easily; but on the north I propose it.

1118. You propose that bridge for the use of those coming from the north of the Strand?—And going to the building and back again.

1119. How would you propose to work the tunnel; have you a staircase descending into the tunnel on the north of the Strand?—Yes.

1120. Have you any means of getting into the tunnel on the south of the Strand?—It is a straight road through from Howard-street; it is on a level with the front of Howard-street. The scheme that I made was really with a view to the benefit of the Courts of Law, and not with a view to enable people to cross the Strand; but supposing that it were thought necessary to give the public walking along the Strand the power of crossing it by a tunnel or a bridge, it would be easy to add another staircase.

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1121. Then your row and arcade would be intended for the use, not of the public, but of the lawyers?—I meant it for the lawyers just as I may mention that the Temple Bar bridge, proposed to be rebuilt by the Commission was to be exclusively for the use of barristers in the Temple, and not for the public at all.

1121.* This bridge of yours, in fact, is the correlative of the Temple Bar bridge, as proposed in the large Carey-street plan?—Yes, but with this difference, that in the case of the Temple Bar bridge the members of the Temple were expected to rise the whole height over the Strand to the Courts, and then descend a little again to get to their rooms; they had, in that plan, to take an enormous number of steps altogether; the advantage of this bridge is that anybody coming from the north would have to mount very little indeed from the north.

1122. And do you leave amply sufficient headway for the Strand, for all vehicles passing under?—Yes; there would be no great waste of labour in getting up to this level; if it were carried through to Carey-street you would only have to rise 12 feet in Carey-street, which is nothing.

1123. Would your bridge communicate with the proposed street across the Carey-street area?—Yes.

1124. A street across the Carey-street area and this bridge communication with the law courts by Essex-street, are, you consider, portions of the same improvement?—Yes; I think that it would get over the objection of those who live on the north side of the Strand; it was rather in their interest that I proposed it.

1125. You propose to make the ground line of your new courts, the ground line of Somerset House Terrace?—The base of Somerset House Terrace.

1126. Do you consider that Somerset House Terrace is viewed architecturally, a portion of the structure of Somerset House itself, or only a basement to it?—It is very hard indeed to Somerset House if it is not; that is all I can say; because when you walk along the Embankment, you will find that in the perspective the terrace cuts off, I think, the whole of the ground floor of Somerset House; so that really, walking along the Embankment, there is no question whatever that the terrace is the base line of the building.

1127. And you consider that, by so treating your building, you confer a benefit on Somerset House?—I do not say that I confer a benefit; but I consider that I do Somerset House no injury; if I set my building back to the line of Somerset House with no terrace in front of it, I consider that my building would most decidedly be very much affected, because I should have this erection 35 feet high, standing out 50 feet in front of my building, and preventing its being seen by persons coming from the west; and even looking from the road below Waterloo Bridge

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you would only see the further end of the new building.

1128. Do you think that the difference of level in Somerset House proper, does you any injury?—No.

1129. You do not think that people, who will obstinately look at Somerset House as beginning with its basement and not with its terrace, will look on it raised upon a considerable elevation and look upon your building as in a hole?—I do not think so; I quoted on Friday what Mr. Fergusson said. I find that he has observed that the real height of Somerset House is very great, but that its apparent height has been immensely decreased by the erection in front of it: as to putting a building down in a hole because it is built on the natural level of such a road as the Embankment, it appears to me an absurd sort of statement.

1130. I said as compared with Somerset House?—I seldom see any advantage in an artificial ground line of that sort; in Somerset House the ground line is quite artificial.

1131. I gather that your objection to the Carey-street site, viewed artistically, is the irregularity of the outline to the west?—I have made no objection to the Carey-street site, artistically; the objection to the outline of the Carey-street site is a practical objection; it is inconvenient for building on.

1132. Are you prepared then to state that you see no artistic objection to the Carey-street site owing to the outline?—Yes, I think that the Carey-street site stands high, and there would be no difficulty in putting a fine building upon it.

1133. And considering the plasticity of Gothic architecture you do not think that that projection there to the north-west would be a detriment to the building that would be put there?—No, otherwise I should not have proposed it.

1134. You do not fear that the fact of having to put a building there, projecting angle-wise, would be a detriment to that work as an architectural work?—No; if you ask me which site affords the greatest opportunity for architectural display, I should say the Embankment site; but granted that you are going to make the land round my building decent, I have no objection to the Carey-street site.

1135. Your objection to Clare-market is, first, the inconvenience it will cause your clients, and, secondly, the obstruction it will be to your building?—One objects to such a neighbourhood as Clare-market anywhere; it is certainly an unpleasant neighbourhood.

1136. But do you think that you have less chance of that singularly unpleasant neighbourhood being wiped off the face of the earth from the fact of a fine large building being put near it?—If Government would purchase the land from the west side of Lincoln's Inn-fields down to the Strand, I think that would be the best thing that could happen; if we are to build to fit that site we could not provide the great thoroughfare necessary; I think that all one's experience of London goes to prove that unless you can provide good thoroughfares in which decent people will take up their residence, you cannot improve a district like that, and it was with that view that I proposed a large thoroughfare through the heart of the Clare-market district.

1137. I suppose you consider it extremely probable that even if the law courts were in Howard-street, buildings of the first class, and of a dignified character, would be put on the Carey-street area?—I should hope so; but I have no knowledge of any scheme for building there.

1138. From your general knowledge, what should you expect?—From my general knowledge, if you made a good thoroughfare through it you would sell it for building, I think.

1139. Do not you think that it is almost a matter of mathematical certainty that Clare Market would soon be effaced, if good buildings were put on that Carey-street site?—No; my impression is that the buildings will turn their back to Clare Market, and that unless you can devise some means of making a good thoroughfare through it, it will be maintained as it is now; it owes its existence very much to the fact that there is a gate there near Clement's Inn, which is shut at night; my impression is that unless the Government or the Metropolitan Board of Works were to make some great thoroughfare through Clare Market, anybody building would try to turn the back of his building to it.

1140. Supposing that they did not make a thoroughfare through Clare Market, but one very near it, would not the drift of public improvement almost necessitate a rebuilding of that quarter?—I should like to know what this other thoroughfare is, because you seem to have a scheme in your mind which nobody else has hit upon.

1141. The thoroughfare that you have talked of yourself at the continuation of Essex-street?—I do not think that that would affect the extreme western boundary; I do not think that unless you had a street branching out into Clare Market, and a distinct thoroughfare from them to some other good point, it would do you much good.

1142. You do not give much credence to the idea that that quarter of London will rebuild itself, so to speak, with the progress of these public improvements?—If my large plan approved by the Commission had been carried out, we should have dealt directly or indirectly with 13 acres of land there. I consider that that was a matter of enormous importance for London, it was so great an alteration of bad property in the heart of the City; but I confess that if you come to build a smaller building to conform to those boundaries, having to accept the thoroughfares that you find, without making arrangements with a view to others, you will still have Clare Market left as a closed quarter.

1143. Have you heard that there is any chance that a give and take arrangement would be likely to be carried out with Clement's Inn?—In the original scheme there was some such chance; there was a draft agreement prepared, I believe, between the Commission and the ancients of Clement's Inn for the purpose; that involved as a necessity the purchase of property in Dane's Inn, in order to compensate Clement's Inn.

1144. Could an arrangement in that spirit be carried out so as to get rid of the projecting north-west angle, and give you more elbow-room to the south-west?—I should think that you might rectify that line by means of an Act of Parliament; you would have probably to deal with Dane's Inn; but that is not a very important institution, I imagine.

1145. It would not be a difficult job?—No, I think not; I think that you will find in all my evidence that the western side is not the

side

side on which the difficulty presents itself; if you contract the site you may do it on this side without vast expense; I should think it is the northern and eastern sides on which you must incur the great expense.

1146. You expressed your strong doubts to Sir William Tite that you could diminish your building in Howard-street much more?—Below the point to which I have already diminished it, I doubt very much whether it could be done; two separate reductions have already been made, I doubt the possibility of making a third; I suggested in my report to the Government that some means should be taken for going through all the schedules; it would be unfair to leave it to me to arrange with the heads of departments what their accommodation should be.

1147. You mean the same answer to apply to your plan for the Carey-street site, I suppose?—Yes.

1148. May I ask what, looking at this question of reduction, are your reasons for constructing so very large a hall; do you know the dimensions of Guildhall?—No; but it is considerably larger than Guildhall; I have gone to a certain extent on the requirements made by the Commission; and the question of the central hall was discussed several times by a committee of the bar, and solicitors; a certain area was prescribed, but I have provided a smaller area than that; but you must remember that we have no experience of such a concentration of courts as is proposed now.

1149. You are prepared to believe that the Guildhall is from 150 to 170 feet long?—This is 100 feet longer.

1150. Considering your knowledge of the wants of courts of law, which you have gathered since you have been architect in this case, are you prepared to say that you could not group your courts round a hall of the size of Guildhall, without inconvenience?—You could not group this number of courts round it; and the nearer the hall could be to all the courts, I think, the better.

1151. And you hold it essential, do you, for the good administration of the law, that all your courts should, as in this plan, open into the central hall?—As nearly as possible; the nearer the better.

1152. That is the key to your scheme?—Yes; everybody gets through the hall to the witnesses' rooms, the jury rooms, and the courts.

1153. That is a reason for making your hall as long as it is; but could you make it narrower?—It is only 50 feet wide; it is not an extravagant width. It would be very narrow in proportion to its length if it were made narrower. It is very largely reduced from the hall which was sanctioned by the Commission.

1154. Do you consider St. Paul's an ornament to London?—Decidedly.

1155. And well placed?—Yes; admirably.

1156. In spite of Cook's warehouse to the south?—The dome of St. Paul's rises so high, that it will always assert itself, even over Manchester warehouses, I suppose.

1157. Do you suppose that it would be an improvement to London if you could put the Temple where St. Paul's is, and put St. Paul's where the Temple is?—No; I have a strong opinion of the advantage of raising a building.

1158. You consider that a building raised above the Thames to the height that St. Paul's is, stands at an advantage?—In all distant views, certainly. As I told the Committee, I think the last time that I was examined, the difference is 22 feet in the level between the two sites. It is an important difference in the distant view; but, on the other hand, I have to consider the whole case in all its bearings, and I am perfectly satisfied that London would be affected more beneficially in an architectural point of view by having a building on the Embankment, 22 feet lower than one in Carey-street, than by having it in Carey-street, though the Carey-street site would be very fine, on account of its altitude above the river.

1159. Would not the Palace of Westminster, in which we are now sitting, be better if it stood on a hill 22 feet above the river?—Yes; but the site in Howard-street does rise above the river, and here it is a dead flat.

1160. May not the difference between this site and that in Howard-street be stated as follows; that, in this case, on this spot we have the simple choice of a dead flat close to the river, or of a dead flat at a greater distance from the river; but in Howard-street we do see a hill rising behind us, which we might use if we liked?—I think that the difference between the two schemes, in that respect, is so little in the drawing, that it would be very little appreciated (*pointing to the design*).

1161. We shall see the Howard-street building very well from the windows of this building, from a large tract of London bordering on the Thames?—Yes, the whole length, and from opposite here.

1162. Would you not also see the Carey-street building, in its most picturesque aspect, from the windows of the Houses of Parliament and the Embankment?—I do not think that you would from here. You would see whatever towers, and so forth, were well raised.

1163. And you would not see the lower floors?—You would not see anything below the height of the high buildings gradually being built on the Strand. For instance, Mr. Smith's warehouse would come between you and the building, and so would the steeple of St. Clement's.

1164. Speaking generally, should you say, having created such a quay, in such a city, on such a river, as our Thames Embankment, that it would be better to put large buildings on that quay, so as to hide the contour of the town behind, or to use it as an open area, either dotted with stately buildings, or spreading into gardens with avenues, and so let in to view the heights of the city behind?—If you had an opportunity of laying out the whole part from the river up to Carey-street with terraces and gardens, no doubt it would be a very fine thing to do so.

1165. I believe it is pretty certain that something of that kind will be the case, at least in Essex-street, with the widening of Essex-street?—I do not know; I should have thought, judging by the whole tendency of the changes that I have had to make in my plans in the last few months, that it would have been absolutely certain that nobody would have given money to do it.

1166. You have read, I suppose, the first Report of Lord Elcho's Committee on the Hungerford Bridge?—I have read the evidence through, but not the Report.

1167. Have you heard that one of the recommendations of that Report, which was unanimously passed, was, that whether the law courts were placed in Carey-street or in Howard-street, equally should Essex-street be widened as a metropolitan improvement?—Yes; but I gather that

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that it was Sir John Thwaites' evidence that the street should be made into a 60 feet street; that does not fulfil your idea.

1168. What is the width, in your plan of Essex-street?—Sixty feet; the same width as he proposes to make.

1169. Supposing that a large building, or a large mass of buildings and chambers of an architectural character, were placed on the Howard-street site, crowned with a distant view of your building, would you not think that a very ornamental view?—If you eliminate the railway station, to begin with.

1170. I said if you had buildings of an ornamental character on the site?—You cannot escape from this condition; one of the elements is, that you have already a plan, sanctioned by Parliament, for a large railway station rising above the Embankment, as to which it was resolved, at a meeting of the Society of Arts, "That, in the opinion of this Committee, the authorised position of the railway station on the Embankment, in front of Norfolk, Arundel, and Surrey streets would make the erection of a grand public building in this part of the Embankment very difficult, if not impossible." I think, if it is to remain in the form sanctioned by Parliament, it would make, not only the erection of any public building difficult, if not impossible, but the appearance of all private buildings bad.

1171-2. The railway station might be sightly or unsightly; but I apprehend that it would not be a very large building; it would be a low building, would it not?—It is to rise not very much above the grounds, but to be inclosed by balustrades, and to have rising galleries behind, and a terrace on the top of the station; altogether, I think you would agree with me that it would not be very sightly.

1173. Have you considered the chance of fogs on the river, and that a building on the river side might more often be darkened through fogs, than one in a higher site?—I have not myself lived on the river; the question is, whether you get better light in these rooms than you would in the Strand; I should have thought that you would get better light here.

1174. Then, on the whole, we gather that, though your preferences may for some reasons be in favour of the Embankment, you think that you could put a building that would be an honour and a decoration to London on either site?—Yes.

1175. Mr. *Hunt.*] With regard to the railway station, would the railway company be willing to make the architecture of their station harmonize with that of your building on the Embankment?—The understanding was that it should form a single basement, the basement of the station projecting beyond the basement of my building, and that it would necessarily be made to harmonize entirely with it.

1176. With reference to the approaches to the north; you contemplate a great arterial communication from Holborn to the Strand?—Yes.

1177. Supposing that a wide street was made to the Parliamentary site, do you contemplate that being extended northwards till it reached Holborn?—My opinion was, that if Parliament made the street as far as Serle-street, then the economy with which a continuation could be made up to Holborn, would force the Metropolitan Board of Works to do it before very long.

1178. You would anticipate a great amount of traffic from the north through that communication to the courts?—Yes, of light traffic, a considerable amount; not of heavy traffic, I should think, owing to the fall of the ground.

1179. Have you considered the inconvenience of having a great deal of traffic crossing the Strand at right angles?—It is an inconvenience that you must submit to if you wish to get good communications; the advantage would be greater in being able to get from north to south than the disadvantage of having the traffic in the Strand to a certain extent interrupted; you have that at Wellington-street to a certain extent now.

1180. Would it be possible to carry carriage traffic by a bridge over the Strand to the Courts of Justice?—It would be very difficult; because, if you rose above the Strand from the north, you would have such an enormous fall down to the Embankment; the fall from Essex-street to the Embankment would be one in 29; that is a fair usable street; but if you made it much steeper than that it would be unusable.

1181. You are acquainted with the approaches to the South Western Station from the level of the road?—Yes.

1182. That has a considerable slope?—Yes, that is an impracticable slope for a public road, I think.

1183. Do you think that it would be impracticable to make an incline serviceable for cab traffic over the Strand?—If the present slope of Essex-street is one in 29, you would have very nearly to double the pitch, to make it one in 14 or one in 15; I dare say that that rise to the South Western Railway Station may be something of that kind; but it is too much for any public road.

1184. There would be no heavy traffic to the Law Courts?—No.

1185. But cabs find their way to the South Western Station now by that incline?—Yes; but my experience is that the cab-horse is constantly inclined to jib on his way up.

1186. Unless that difficulty is overcome it would be a great evil having traffic like that in the Strand crossed by a stream from the north?—It would require a good deal of regulation by the police, just as you have at Wellington-street, and Blackfriars, and Fleet-street, and at the crossing of Oxford and Regent street.

1187. But at Wellington-street the Strand is not so wide, is it?—I should think it would not make matters worse having a wide street; it would rather facilitate the crossing, because you see that vehicles coming down the end of St. Clement's churchyard would to a certain extent fall into a line with those coming westward.

1188. If they were coming down New Essex-street they would cross the traffic going east and west?—Yes, they would cross it; but that cross line there does not show the position of New Essex-street. There is an inconvenience, but an inconvenience that you cannot help in a large city; I am afraid as to the possibility of getting over it, that would be very difficult. I think that it would be more practicable to take the traffic through under the Strand.

1189. Would it be possible?—It would be more possible if you had the land to deal with, and you might make the road up towards Carey-street.

1190. You would get the same rise if you did that?—No; because the ground does not slope so much. You might make the tunnel so low

low as to enable only light vehicles to pass through it.

1191. With reference to the central hall, do I rightly understand that the floor of the central hall would be on a level with the floor of the courts?—No.

1192. The witnesses' rooms would be on the same level?—The witnesses' rooms and the jury rooms would.

1193. And the courts would be a storey higher?—Yes.

1194. Would it be practicable to have galleries round the central hall to be used as libraries, without any sacrifice of architectural effect?—I have not thought of that; in my original plan I had galleries the thickness of the wall to make every possible communication for the Bar, but I should have thought that a gallery in the central hall would not be a good place for books, because of the dust.

1195. I am supposing that there was no communication for people from the central hall to those galleries; in that case, those galleries might be made available to barristers and others using the court, provided that the communication with the galleries went out of an appropriate room?—Yes; that was the arrangement in my plan to have barristers' corridors running all round, and bridges across.

1196. Supposing that that arrangement could be made, there would be a great saving of expense, would there not?—Yes; except that I did not suppose that we should make an enormous building anywhere for a library. In every case there must be some room for books in each court; I have provided a large number of consultation rooms, and it might be possible out of them, to get some space that might be given up for libraries.

1197. As I gather, the size of your hall has reference rather to the number of courts than to the wants of the persons who would use the hall?—I think that the two things go together; that in proportion as you increase the number of courts you must increase the area of the hall between the courts. It is a small area in proportion to the number of courts, compared with that which you have in the great country assize courts. The proportion here is so much smaller than it would be, if you took the proportion that you have at Manchester or Liverpool, or any of the country courts, that I do not think the hall will be found too large. And, again, for the working of so great a building, it would be very disastrous if, after you built it, you found that this hall through which everybody was to pass was too small; you must allow an ample space from that consideration.

1198. With regard to any future extension of the building, in the case of the Embankment site, where would you look for any extension?—It must be northwards, north of Howard-street, unless by the removal of King's College; that is the only possible arrangement, because a good deal of the land in front of the Temple is Crown land, and I suppose by Act of Parliament could not be built upon; and in the next place would be extremely undesirable for building upon, because it is a great lung for that part of London.

1199. You might get extension on the King's College side by taking that building?—Yes.

1200. Mr. *Layard.*] I think I understood you to say that, supposing the Law Courts be erected on the Howard-street site, practically a communication could be made to the Carey-street site without additional expense?—That is my opinion; that is to say, if you make it near Essex-street.

1201. I think that under an Act of Parliament the Metropolitan Board of Works are bound to make a street from the Embankment to the Strand?—Not to make a street from the Embankment to the Strand, I think, but to make a street which shall communicate with the base of those three streets, and therefore shall afford communication with the Strand.

1202. Therefore, supposing that the Government did not enlarge Essex-street, the Metropolitan Board of Works would probably do so?—I do not know enough about the Metropolitan Board of Works to answer the question. I see from Sir John Thwaites' evidence that he considers Essex-street a very desirable means of communication from the Embankment.

1203. Practically, supposing that the Howard-street site were used, a communication would be made between the Howard-street site and the north of London without any expense to Parliament?—That is my impression; the whole expense of making it would be very small, owing to the existing road on the east of Lincoln's Inn-fields, as I imagine.

1204. Do you not think that it would be a great convenience for persons having business in the Courts, and who had to wait, that there should be open spaces, like those in the Temple Gardens, for them to wait in?—No doubt it would be much pleasanter for witnesses who had to wait, that they should wait outside the building rather than inside, if on a fine day.

1205. Lord *John Manners.*] If the Government do not make this communication by bridge and arcade, from the north of the Strand to the Howard-street site, what accommodation will the lawyers, who live in Lincoln's Inn and Bedford Row, and all that district of London have to find their way to the New Law Courts?—They will cross the Strand at various points, and they would not be likely to cross the Strand at the widest point; they probably would come down Bell-yard and cross at Temple Bar, or keep along by Clement's Inn, and cross where the Strand becomes narrow west of St. Clement's Church. Most people have always crossed hitherto at one of those two places, so as to avoid a crossing 110 feet wide.

1206. Therefore the omission on the part of the Government of the bridge and the arcade which you propose, would put all the lawyers who live north of the Strand to the inconvenience of finding their way as best they may with their books and so on across the very crowded thoroughfare of the Strand?—Yes, they would have to do it unless a bridge were put across.

1207. Earl *Grosvenor.*] With regard to the questions which Mr. Beresford Hope asked you with reference to the building of St. Paul's, you are aware that it was part of Sir Christopher Wren's plan for St. Paul's that the whole of the land between St. Paul's and the river should be left open?—I have heard so.

1208. Do you think that any architect would build a very large building like St. Paul's near the Embankment, unless he was quite sure of plenty of room between the Embankment and that building?—No, I should not.

1209. Mr. *Bentinck.*] I may have misunderstood your answer just now; but my impression was that you said that those three streets did not

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not come on to the Embankment?—They are intercepted by a cross road, a raised road into which they all come (*pointing it out*).

1210. Take a person driving from the roadway, and desiring to drive into the Strand, would he not be able to drive up, when the works were completed, any one of those three streets?—Yes.

1211. Therefore the great crowds of people that we are to have coming to attend these law courts, finding themselves on the Embankment would be able to pass up by three ways to the Carey-street site?—By three ways, and by steps to Essex-street.

1212. And one of those roads is 50 feet wide?—Yes; there is this also to be said, that those three roads open into the narrowest part of the Strand.

1213. This is the railway station, surrounded by a grass plot (*pointing it out*)?—Yes.

1214. A person travelling from the east or the west will drive to either extremity, and then turn either to the right or to the left, and if he desires to pass up to the Carey-street site, he will have three roads open to him?—Yes.

1215. Mr. *Mowbray.*] Is that Somerset House Terrace continued in front of King's College at present?—King's College inhabits a certain portion of what appears to be Somerset House; there is a terrace in front of part of King's College House, not of the whole.

1216. Then it would be necessary to continue that?—Yes.

1217. And to ornament King's College to make it harmonize?—The brick part of King's College sets back some little distance (*describing it*); this is the unsightly part (*pointing it out.*)

1218. You stated on the last meeting that the western side of Wellington-street, you thought, advanced beyond the line of Somerset House, about 45 feet; are you sure of that?—I measured it on the Ordnance map; it so appears on this Ordnance map.

1219. Assuming that it does project to any extent, do you know the length of frontage of those particular buildings towards the river?—Very small indeed, just the depth of one house.

1220. You could not argue, presuming that if it did project beyond Somerset House, it would not detract from Somerset House, as your long building would on the east?—I do not think that my building would detract from it; the view that you almost always get of Somerset House is from Waterloo Bridge, and this makes the projection beyond, not between you and the building.

Mr. Henry Arthur Hunt, called in; and Examined.

Mr. *H. A. Hunt.*

1221. *Mr. Chancellor of the Exchequer.*] What is your profession?—I am a surveyor.

1222. Have you had experience in the valuation of land and property?—I have.

1223. And in buildings?—And in buildings.

1224. You are, I believe, a member of the Commission appointed about the Law Courts?—Yes.

1225. Do you remember having an interview with Lord Palmerston and Mr. Gladstone on this subject?—Yes.

1226. When was that?—In 1861.

1227. What happened then?—It was a discussion with reference to the probable cost of the Carey-street site, and the probable cost of the building. I made a report upon that occasion, giving my opinion as to the cost of land and buildings at 1,500,000 *l.*

1228. That was in 1861?—And subsequently in 1864.

1229. Sir *William Tite.*] What did you do in 1864?—The same thing.

1230. *Mr. Chancellor of the Exchequer.*] Did you, as a Commissioner, approve of the proceedings of the Commission with regard to Carey-street, or what line did you take about it?—Well, I did not approve of the proceedings of the Commission at the onset. I thought that the appointment of an architectural clerk was unnecessary. I considered that the instructions to architects might have been prepared by members of the Commission, having before us at that time plans which had been carefully prepared by a gentleman of the name of Abraham, an architect of considerable experience, and upon whose estimate and plans the Commissioners, at their first meeting, signed a certificate; the Commission, however, thought otherwise; and, upon the resignation of Mr. Waterhouse, Mr. Burnet was appointed architectural clerk.

1231. Did you give any opinion to the Commission on the Carey-street site in 1865?—I gave evidence, at Mr. Gladstone's request, as to the probable cost of acquiring the land, 750,000 *l.* I was not asked my opinion as to the probable cost of the building, although I did tell Mr. Gladstone that if the site were big enough to carry a building properly, the building would cost 750,000 *l.*

1232. Did you make any objection or protest to the proceedings of the Commission with regard to this matter subsequently?—I only made a statement to the Commission with reference to the appointment of an architectural clerk.

1233. With reference to the Carey-street site, and the expenses that it would entail, I mean?—I do not know that I ever made any particular speech upon the matter, although I have from time to time said that the cost would largely be increased, and that it would be necessary to acquire a great deal of the surrounding property, particularly and especially in the neighbourhood of Clare-market, in order to ensure better ventilation, comfort, and convenience of suitors and others attending the Courts. I stated that to the Commission.

1234. That it would incur a larger expense than the mere lands on which the building was put?—Yes.

1235. Will you give us your opinion of the Carey-street site in your own way, and say what you have to tell us about it?—I think that if the Carey-street site is adopted for the Courts of Justice according to the plan which Mr. Street has prepared, and which is attached to his report of May 1869, the least amount of property that it will be necessary to acquire, in order to improve the approaches and so on around this site, is what is shown on the deposited plan of 1868, which I have had tinted red to correspond with the estimate which was made by Mr. Pownall in that year, and which was the foundation of the application to Parliament for the acquisition of these lands. Those properties are estimated by Mr. Pownall

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Pownall at 668,000 *l.*; but that estimate included property on the south side of the Strand to enable a bridge to be thrown across from Thanet-place to the site, at an estimated cost of 60,000 *l.* In round numbers, without that, you may call it 600,000 *l.* A portion of that property, tinted red upon the plan before me, west of St. Clement's Church, is property intended to be acquired, partly to make an exchange with Clement's Inn, in order to make this ground rectangular, and partly to make it more convenient for building purposes; it was necessary to take Clement's Inn, and the object of taking this land is to have the power of exchanging lands with that body, and so making approaches to that side of the building; it was also intended that the Act of Parliament should comprise the whole of what is called the Cook's-court block, and that the Government or the Commissioners should pay for so much of it as was thrown into the street to widen the thoroughfare. Now, if the building should be erected upon this site, it seems to me necessary and desirable to take the whole of the property except that in Thanet-place; and moreover, I consider it necessary to acquire a good deal more of the surrounding property to the west, in the neighbourhood of Clare-market, which has always appeared to me to be a very objectionable neighbour for a building which is to be used for eight or nine months out of twelve by probably the largest number of persons assembled in one building that we know of, comprising, as it would, eighteen Courts and a great variety of public offices. I think that the greatest amount of fresh air and light should be afforded to such a building; and if the Government should do me the honour to consult me before they embark in the erection of the building, I should certainly recommend a considerable clearance of the surrounding property, in order that good ventilation may be given to the building; and that a plan should be made in the first instance suitable to the position, having regard to the ground which would be cleared in order to afford proper access and proper ventilation.

1236. Why do you omit Thanet-place from that estimate?—I omit Thanet-place from my estimate because if Mr. Street's last plan is carried out upon this site, it will not be necessary to make a bridge across from the Temple; at least, I suppose not, and I assume not; for this purpose, therefore, I leave it out of Mr. Pownall's estimate.

1237. Why would it not be necessary to have a bridge?—Well, I do not know whether it is necessary or not, but I do not think it is proposed at the present moment; if it is proposed to have a bridge, of course that 60,000 *l.* must be restored to Mr. Pownall's estimate.

1238. If there is no bridge, of course people would have to cross the Strand from the Temple?—Yes.

1239. This estimate of Mr. Pownall's was with reference to the larger plan of Mr. Street, was it not?—Yes.

1240. Now we have a smaller plan, will that enable us to reduce the quantity of land purchased?—I do not think it will.

1241. Why not?—Because I think that all the ventilation you can possibly get around this building is most desirable; for instance, Carey-street must be widened, and all the buildings in the block of buildings on the south side of New-square, Lincoln's Inn, must be removed; Bell-yard must be widened, and an opening must be made as proposed by Mr. Street in his original plan from Bell-yard into Chancery-lane, and in all probability (and very wisely too), the whole block between the Law Office and Fleet-street, should in my opinion be removed altogether, giving good access from Fleet-street to this great building, and an abundance of air from that particular point.

1242. All those things are included in Mr. Pownall's estimate?—Yes.

1243. Does Mr. Pownall's estimate include all the approaches that it is necessary to make?—No, Mr. Pownall does not include the widening of Serle-street, or the widening of Portsmouth-street and Portugal-street.

1244. That is to say, the access to Lincoln's-Inn-fields is not included?—No; he has not included that.

1245. Does it include any means of getting into Holborn?—No.

1246. You are left to Little Queen-street or Chancery-lane?—Chancery-lane on one side, and into Lincoln's-Inn-fields on both sides, by passing along Serle-street on one side, and out of Portsmouth-street on the other.

1247. And then into Holborn by Little Queen-street?—Yes.

1248. Does it include any opening to the west?—No.

1249. Does it include the part of Clare-market which you have mentioned?—No.

1250. Is there anything else that it does not include, that you think it necessary to include?—I think that at some not very distant date, the south side of New-square, Lincoln's Inn, ought to be removed.

1251. Why do you think so?—Because at present it is a great impediment to the ventilation of this building, and when removed it will throw New-square, Lincoln's Inn, open, and will afford a very considerable amount of ventilation; and I think, when the Committee visit the spot, and see these buildings, and consider what the effect would be, it is not improbable that they will consider that some day or other it will be necessary to pull them down.

1252. If we add to the land which Mr. Pownall estimated these things which you think are required, and will have ultimately to be obtained, can you put any estimate upon what they would amount to?—It is extremely difficult to say what is to be done with the neighbourhood of Clare Market; speaking, according to my judgment, of what ought to be done, I think that it would not be safe for the Government to calculate upon a less expenditure than a million of money.

1253. That is 400,000*l.* more than the land which Mr. Pownall estimated?—Yes.

1254. You consider Mr. Pownall's estimate to be a reasonably right one, as I understand you?—Mr. Pownall is a very careful, skilful man, and I adopt his figures.

1255. You have confidence in his competence to form an estimate?—Certainly.

1256. And I suppose that, as regards that million, the cheapest way really would be to make the purchase at once, would it not, or would it be wiser to let it stand over, and to do it by degrees?—It is much cheaper to do it at once.

1257. Because otherwise we raise the value as against ourselves?—Unquestionably.

1258. Is there anything else you can tell us about the Carey-street site or the building; have you

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you formed an estimate of what the building would cost?—I assume that the building on the one site and on the other will be the same, about 800,000 *l.* There is, in point of fact, more building on the Carey-street site; that is to say, there is more area covered with buildings.

1259. In order to get the same amount of accommodation, you are obliged to build higher on the Carey-street site?—No, you are obliged to cover more area of ground.

1260. Sir *William Tite.*] Is this the great building, or the altered building, you are talking of?—The smaller building according to the altered plan; I am taking these comparative plans which are taken in Mr. Street's letter. The Carey-street buildings cover an area of 221,624 feet, and the buildings on the Embankment site 189,754 feet, so that there are 30,000 or 40,000 feet more area of building in one than in the other; but as I assume that the foundations of Carey-street may not require any extra expenditure, I set one against the other, and assume that the cost of the building on one site, and the cost of the building on the other, will be the same, 800,000 *l.*

1261. Have you been in the habit of making such estimates?—Yes, I have very frequently.

1262. And have you found that generally you can go pretty near the truth in your estimates?—Yes; they have turned out very near indeed in the buildings which I have had to do with for the Government in the last 14 years.

1263. Could you tell us how you made this estimate?—I could tell you, but I am afraid that it would give you no practical information.

1264. Have you anything else to tell us about Carey-street; what do you think about light and air, and ventilation there, for instance, supposing we do not buy these surrounding houses?—Then I think it will be very imperfect indeed, and even if you do, I am of opinion that it will not be so well ventilated, and that it will not be a building so well adapted for the business of the courts of justice, having regard to light, air, and so forth, as a building erected on the Thames Embankment.

1265. Not even if we spend the additional million that you speak of?—No, because you must necessarily have on the east side of Chancery-lane a quantity of very closely packed and lofty buildings, which impede the air; you have King's College Hospital, a very lofty building, close by the very corner of these intended courts of justice, and you have a very crowded district on the west.

1266. Sir *William Tite.*] Right away to Drury-lane?—Right away to Drury-lane.

1267. *Mr. Chancellor of the Exchequer.*] Then with regard to approaches, when you have done all these things, how will the Courts be then as regards accessibility?—The approaches from the north must be from the turnstile on the north-east corner, and from the opening to be made into Holborn on the north-west corner; the cost of making the opening on the north-east corner would be about 70,000 *l.*, and on the other it would be about 150,000 *l.*

1268. Do you allow for that in your 400,000 *l.*?—Yes, I think that may fairly be included.

1269. Both of them?—Yes.

1270. Sir *William Tite.*] Is it included?—Certainly, but that is approximate and wide; Chancery-lane being very narrow, it will be an inconvenient approach from Holborn; so also is Fetter-lane; the Strand and Fleet-street are crowded now, and will be crowded still more, should this building ever be erected on the Carey-street site.

1271. *Mr. Chancellor of the Exchequer.*] So that when all this money has been spent, what sort of approaches do you think you will have?—Imperfect.

1272. You would not consider them, even then, good approaches?—No, not good approaches.

1273. What would be the fault you would find with them mainly?—That they were narrow, inconvenient, and crowded.

1274. Then, on the southern side the Strand would be crowded?—Yes.

1275. On the east, Chancery-lane would be inconvenient?—Yes.

1276. There is none on the west?—There is none on the west, except taking the existing Carey-street, and carrying it by King's College Hospital into Lincoln's-inn Fields, if the Governors would allow that to be done.

1277. Do you calculate for that in the 600,000 *l.*?—No.

1278. Will you explain about that?—The 400,000 *l.* includes the widening of Carey-street and Serle-street, one being about 45,000 *l.*, and the other 50,000 *l.*; as I have already said, I can give estimates for that, but I am obliged to guess at the probable cost of acquiring property sufficient to afford good ventilation in the neighbourhood of Clare-market.

1279. As regards getting into Lincoln's-inn-fields, have you not estimated in your million for the widening of Portugal-street and Portsmouth-street?—Yes, I have.

1280. Upon the whole, the approaches would not be good?—No, I think not.

1281. And what would be the ventilation and light, after these purchases had been made?—They would be better of course, by reason of the clearance which I propose.

1282. But would still be imperfect?—Yes.

1283. Now we will turn, if you please, to Howard-street; with regard to the question which we have been speaking of as to the access to Howard-street, will you tell us your opinion on that?—The access to Howard-street would be partly by the Thames Embankment. I think the Thames Embankment roadway will be a very frequented communication; it practically commences at the Mansion House, by the new street, which is now being formed; it will cross Bridge-street, Blackfriars, and then down an inclined roadway 100 feet wide, until it reaches the east end of Temple Gardens; it then passes along to Westminster Bridge, on a dead level, and it seems to me to afford a very excellent communication between the heart of the City of London and the Houses of Parliament, and the south-west district of London. Moreover, by passing over the new bridge at Westminster, you will get upon a very fine embankment road on the south side of the river to the Vauxhall station, and from Westminster Bridge there will be also a communication on the north side of the river, from Millbank-street to Battersea Bridge. An Act of Parliament has been obtained for continuing the Embankment of the river from Chelsea Hospital to Battersea Bridge. Therefore, I think the Embankment roadways will form important communications for a very large amount of

of population, and that they will be much used by the public.

1284. What will the communication from the Embankment be to the courts?—The communication from the Embankment to the courts as proposed by Mr. Street would be by a road called New Essex-street; that is a continuation of Essex-street, and a widening of Essex-street into the Strand; there would also be a communication by an opening in his intended building for foot passengers to Howard-street, and from Howard-street through Norfolk-street, Surrey-street, Arundel-street, and Essex-street into the Strand.

1285. From the Strand to the building?—Yes, from the Strand to the building.

1286. Then there would also be the railway?—There will also be the Underground Railway, which will bring passengers from almost all parts of the metropolis, and there will also be the steamboats.

1287. Have you formed any opinion as to the railway, as to the injury or nuisance it may be to the courts?—I have not had much experience upon that subject myself, but from what I hear from engineers and other persons, no nuisance does arise from that; I hope that Mr. Fowler will be able to come, and give evidence before you with regard to that; he will tell you of two houses in Park-crescent, Regent's Park, where the railway passes under the kitchens of those houses, and they are occupied by persons of great respectability who pay high rents.

1288. The railway will not pass under any part of this building, will it?—No.

1289. It will pass in front of it, under the great roadway?—Yes.

1290. Where is the station to be?—The station will be arranged by Mr. Fowler, so as to make it suitable to Mr. Street's building, and, I think, that Mr. Street has seen Mr. Fowler upon the subject.

1291. Then there is also an access from Wellington-street, is there not?—Yes, an access from Wellington-street, on the terrace in front of Somerset House.

1292. What is your opinion in regard to those approaches, taking them altogether?—I think they will be very good approaches; from the Strand there will be four streets, the aggregate width of which is now 123 feet; I think that having four thoroughfares is better than having one, because the traffic could be regulated, and, as Mr. Street says, it will filter through them.

1293. Do you think that, upon the whole, they are superior to the approaches that would be obtained in Carey-street after we have invested this million that you speak of?—It seems to me so.

1294. Decidedly so?—Yes; decidedly so.

1295. With regard to the surroundings of the Howard-street site, what have you to say on that point?—As to the surroundings of the Howard-street site, on the east we have the Temple Gardens.

1296. Do you consider that a good neighbour?—I consider it a very good neighbour; especially as about two-and-a-half acres of reclaimed land will be thrown into their garden.

1297. Is that garden open to the public?—I do not know. On the north of the Howard-street site we have, of course, the buildings on the north side of Howard-street, the height of which will be regulated when we sell or let land which may not be required for making the roadway. The west surroundings are not so good; the high buildings of King's College and Somerset House beyond, but I attach a great deal of importance to the advantage of light and good ventilation to be obtained from the river. I think it is an enormous advantage to a public building of this sort. For instance, I think that these committee rooms are far more agreeable, healthy, and convenient for business than if they were in the neighbourhood of Clare Market. So I think the Courts of Justice would be better placed upon the Embankment site than on the Carey-street site.

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1298. As to the piece of land between Howard-street and the Strand, what value do you put upon that?—One million.

1299. Then there is no great facility for increase of building, is there?—If you want to extend the building you must extend it towards the north; you cannot extend it unless you take King's College on the west, and the Temple Gardens on the east.

1300. Do you consider that a disadvantage?—No, I consider it an advantage.

1301. Why so?—Because it prevents that pressure upon the Government, which I know is very often made to increase the size of public buildings, and consequently to increase the cost. And if the buildings require to be enlarged, they can be enlarged to the north after they shall have been erected, and experience shall have dictated the necessity for increased accommodation.

1302. But that would be at an enormous expense?—Then it would.

1303. Therefore, practically, there is not any great inducement offered by the site to any increase, beyond the present plan?—No. If I could persuade the Government or the Committee that I am right as to the ultimate expenditure of a million of money to make the Carey-street site suitable for the building, which it is proposed to put upon it, I would sooner spend that million in clearing away all the buildings north of Howard-street, and in making a quadrangle in front of the New Courts of Justice as seen from the Strand, than spend the money in Carey-street.

1304. Something like the quadrangle in front of Charing Cross Railway Station, I suppose you mean?—Yes, only bigger; and a grand thing it would be.

1305. The building in Howard-street you estimate at the same price as the building in Carey-street, that is 800,000 *l.*?—Yes.

1306. Are you of opinion that the alteration of Essex-street is a necessity?—Well, I think it is.

1307. Why so?—Mr. Street desires to alter the gradients, and to make a public thoroughfare of it, and it must, sooner or later, be done; it might be called a public improvement, but I think that it is fairly and properly to be put down to the cost of the Embankment site.

1308. Is there not some inconvenience in creating a very large public thoroughfare that does not now exist, close to the Courts?—Not if you can separate the thoroughfare effectively from the Courts, so as to prevent any noise reaching them.

1309. Can you do that?—Of course there would be a great deal of traffic up Essex-street,

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and there will, to that extent, be noise on that side of the building from that street.

1310. And that traffic will not necessarily be the traffic of the Courts, but the traffic of persons going from the north to the Embankment?—No doubt.

1311. I do not now quite understand why you consider that a necessity?—There should be some public communication, I think, from the Embankment to the Strand at that point; I think it would be a great public convenience.

1312. Putting aside the question of the Law Courts altogether, you look upon it as a metropolitan improvement?—Yes, certainly.

1313. But would it not be better for the Law Courts if it could have been put a little further off, though I suppose it would have been impossible?—The further you can remove any roadway from the Courts the better.

1314. Supposing that the Courts are placed on the Howard-street site, what should we do with Carey-street; how should we lay it out, or what should we do with it?—Upon that I can only say that I have been in communication with a gentleman who represents, as he stated to me, some very responsible persons, who are willing to take that site and lay it out for building purposes, at an ultimate rent equivalent to 3½ per cent. upon 780,000 *l.*

1315. That is the money that it has cost?—Yes, I stated it in my Report to the First Commissioner of Works to be 3 per cent., because, though the ultimate rent will be equivalent to 3½ per cent., there must be a period of time when we shall not be able to get all the rent, and so, to make it perfectly within the mark, I put the 3 per cent., and it is only waiting the decision of the House with regard to the appropriation of that site for these gentlemen to put forward their prospectus, and they are very urgent to do so.

1316. How would they propose to lay out the Carey-street site, do you know?—They propose to lay it out by making a main thoroughfare from Essex-street across Carey-street, and to appropriate the land on either side of it for chambers.

1317. Making it a wide street?—Yes, a wide street, 60 feet wide.

1318. That they would do merely with the view of turning the property to the best account, I suppose?—Yes.

1319. Then, if I understand you rightly, the establishment of the Courts on the Howard-street site might lead as a consequence to the making of this large street through the Carey-street site?—It would absolutely do so.

1320. And I suppose it must lead, in no long time, to the continuance, by the Metropolitan Board of Works, of that street into Holborn?—Most probably.

1321. Which would satisfy a great metropolitan want?—No doubt.

1322. That then would be one collateral advantage of the Howard-street site?—No doubt.

1323. Is there anything else which you would like to tell us?—I may state as to the foundations of the Howard-street building, that I have assumed a platform of concrete 15 feet thick.

1324. Sir *William Tite.*] How broad?—All over the area, 5¾ acres, a solid platform 15 feet deep, and not being an engineer, I have taken the opinion of Mr Fowler and Mr. Bidder, who both concur with me in thinking that 15 feet will be ample for the purpose, and they are ready to come before you if you should desire it, to give evidence to that effect.

1325. *Mr. Chancellor of the Exchequer.*] Assuming that to be so, what would be the extra expense incurred thereby?—I put it at 50,000 *l.*

1326. Is there not to be something set against that in the way of greater facilty of transport of building materials?—Yes, I have not gone into that, but there is no doubt that it would be cheaper to build upon the Howard-street site than on the Carey-street site by reason of the facility which the water affords for bringing materials.

1327. Sir *William Tite.*] But you have set that enlarged area in Carey-street against that 50,000 *l.*?—Yes, but I have given no credit, so to speak, for the facilities of getting materials to one site over the other.

1328. *Mr. Chancellor of the Exchequer.*] Is there anything else which you have to state?—No, I think I can say that that is all.

1329. *Chairman.*] If I understand you rightly, that million of money which you spoke of as being necessary to give ventilation and proper approaches to the Carey-street site, would in fact be expended in improving the adjoining streets for the most part?—Yes.

1330. Do you not rather look upon that in the light of a metropolitan improvement, than as an accessory to the Courts of Justice?—No, I think that is entirely due to the Courts of Justice; I think that the block of buildings in Chancery-lane would not be pulled down if the Courts of Justice were not coming there, and I do not think that the buildings in Carey-street and Serle-street would be pulled down unless the Courts of Justice were coming there.

1331. But apart from any advantage to be derived by the Courts of Justice, or by those who frequent them, would there not be considerable advantage in that demolition and reconstruction to the neighbourhood in general?—Yes.

1332. Therefore, in point of fact, a large part of that million must be considered as being expended in the general improvement of London?—If your Lordship and the Committee think that it is to be considered in that way; but I think that it is consequent upon placing the Courts of Justice on that site. It was a great public improvement clearing the site of the wretched houses that stood there; the cost of it practically comes out of the Consolidated Fund.

1333. You have not at all considered the question whether the metropolitan authorities might be called upon to assist in works which would undoubtedly be a great metropolitan improvement?—From my experience of the Metropolitan Board of Works, they would be very chary indeed in undertaking any improvement out of the pockets of the ratepayers, if they can fall back upon the Consolidated Fund.

1334. With regard to the land that it is proposed to take on the Howard-street site; what is the character of the houses there south of Howard-street?—They are, for the most part, lodging-houses and private hotels; there are some manufactories; there is an engineer's; there are some large printing works, and a builder's yard, but, chiefly, the houses are occupied as private houses, and for the most part let out in lodgings.

1335. Are they good, substantial, respectable houses?—Fairly respectable houses.

1336. Therefore,

1336. Therefore, in taking that site, you are destroying a better class of property than exists round Carey-street?—Yes, that is so.

1337. Have you made any estimate of the value per foot or per square yard, of the land south of Howard-street, that it would be necessary to take?—It is somewhere about 110,000 *l.* an acre, in my estimate; my net estimate for the Howard-street site is 600,000 *l.*, and I think that that will be sufficient to purchase the property; Mr. Pownall has made an estimate, and his is not very far different from mine.

1338. Could you tell me what the cost per acre has been of the Carey-street ground actually cleared?—About the same.

1339. Mr. *Chancellor of the Exchequer.*] It was within your estimate in that very case, was it not?—Yes, within the estimate.

1340. Mr. *Layard.*] Have you seen a document called "An Estimate of the Comparative Cost of the Carey-street and Howard-street sites," circulated by the Incorporated Law Society, and distributed to Members of Parliament?—Yes.

1341. Will you state whether that is in any respect an accurate description of the comparative cost of the two sites?—No, it is not accurate.

1342. Will you state in what respects it is inaccurate?—As to the first column, with reference to Carey-street, I think there will be no surplus land; nothing to spare. On the other side, I think that the 250,000 *l.* for extra foundations must go out. Then comes "Loss on resale of Carey-street site," 200,000 *l.* If I am right with reference to the proposals that have been made, there will be no loss of that sort. Then comes "Loss of interest and rates on the Carey-street site till re-sale is effected." There is no doubt that there is something in that. The loss of interest upon the money until it is let is given for four years at 34,000 *l.* a year. I do not know whether it would be so long as that, but I think we shall not cavil at that. "Value of portion of Carey-street site required for new street from Embankment site northwards to Serle-street, 3,200 square yards, at cost price, 80,000 *l.*" That last item of 80,000 *l.* relates to the making of a street across the Carey-street site, which is altogether a different thing.

1343. Then I understand you to say that that document circulated by the Incorporated Law Society is altogether an inaccurate statement?—Yes.

1344. Have you seen another statement circulated by the Incorporated Law Society, which purports to be an estimate by Mr. Pownall "of the cost of the property required to be purchased for building the New Law Courts on the Thames Embankment (Howard-street site), and of the amount that could be obtained on a re-sale of the Carey-street site"?—I have seen it.

1345. Will you be good enough to inform the Committee whether that is accurate?—It is accurate as far as it goes, and I think I have explained that in my letter to you of the 18th of June. Mr. Pownall, in his estimate of 812,415 *l.*, has included the widening of Essex-street, which I have not. I have, in my letter to you, deducted 150,000 *l.* from that. His figures would then stand at 662,000 *l.*, as against my 600,000 *l.*, showing a difference of 10 per cent.

1346. Then that is not an accurate statement?—Well, you cannot very well call it an inaccurate statement, because Mr. Pownall included that which was shown upon Mr. Street's plan, and which I did not, because my estimate was made long before Mr. Street's plan was made. Therefore you cannot say that Mr. Pownall's estimate was inaccurate, although his instructions should have been more definite—how much for the land, and how much for the approaches. He, I suppose, was not so instructed, and he gave the whole figure.

1347. Therefore I understand you to say that, leaving out ground which there was no intention to purchase, Mr. Pownall's estimate and yours agree?—Yes, or practically agree.

1348. There is another document circulated by the Incorporated Law Society, called "Statement by the Council of the Incorporated Law Society with reference to the Thames Embankment Site." Have you seen that document?—Yes.

1349. In the first place it is stated there that the façade of the building that Mr. Street proposes to erect on the Thames Embankment projects 80 feet in front of Somerset House, is that the case?—I know nothing about that; Mr. Street must tell you as to that.

1350. It is stated here that the new building would, "to a large extent, absorb the open area which by the Thames Embankment Act 1862 (section 26) 'is for ever hereafter to be maintained for the use of the public as recreation or ornamental ground?'"—That is not so; but Mr. Street could explain that better than I can.

1351. Or do you agree with this statement, that "the Embankment site, owing to its peculiar nature, would require a large preliminary outlay on foundations"?—I do not.

1352. Do you agree with this further statement, "By limiting the building to the plan submitted to Parliament in 1865, and confining it to an area of six acres, as proposed for the Embankment site, it may be placed on the Carey-street site, with no material alteration of the plan decided on, and without buying a single yard of additional land for approaches or light and air, there would be a surplus of an acre and a half for these purposes"?—I do not concur with that.

1353. Have gentlemen of your profession often occasion to go to the Courts of Justice as witnesses, and otherwise?—Some members of my profession have; I do not go there very often myself.

1354. Which in your view would be the most convenient site for them, the Carey-street site or the Embankment site?—It would seem to me that the Embankment site would be the most convenient.

1355. Can you give the Committee any information as to the kind of building or buildings likely to be placed on the Embankment site, supposing it not to be utilised for the Courts of Law?—I have not considered that.

1356. Do you think that any great change would take place in its present features?—I think that the Duke of Norfolk would improve the character of his buildings so far as they abut on the Embankment.

1357. All the land does not belong to the Duke of Norfolk, I believe?—No.

1358. How far does the Duke of Norfolk's property extend?—I think it goes up as far as Milford-lane.

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1359. Sir *William Tite.*] As to the ragged property about the end of Essex-street, which is so exceedingly unsightly at present, what would become of that?—All that is very wretched property.

1360. Do you think that it would cure itself very soon?—I think in all probability when the Embankment is completed it may improve itself to some extent.

1361. And pretty soon? — I daresay Mr. Gwynne will not turn out very soon if he can help it, unless we can turn him out by an Act of Parliament.

1362. Who is Mr. Gwynne?—An engineer.

1363. Is Essex-street on lease?—There are leases existing.

1364. Mr. *Mowbray.*] You say that you think the Carey-street site will probably yield, if resold, an ultimate rental equal to 3½ per cent. upon the capital?—That is the offer which I have received.

1365. How soon would that rental be likely to be realised?—In all probability I should recommend the Government to give them two years' peppercorn, and then a graduated rent extending over nine or ten years.

1366. So that at the end of three years, the Government would in all probability be receiving 3½ per cent. upon the capital expended?—Yes; if I could advise the Government to let the property to all these parties that would dispose of it quicker.

1367. Do you mean that if sold in lots it would produce a better return to the Government?—No; I think that it may be sold to enterprising persons who have a scheme of their own to carry out.

1368. Lord *John Manners.*] Can you give us any information as to the amount and the value of the ground now occupied by the Depository of Wills, the Registry of Wills, and so on?—I do not know it at all.

1369. With respect to the estimate for the purchase of the ground in Howard-street, you give that as 600,000 *l.* exclusive of Essex-street, is that so?—Exclusive of the upper end of Essex-street.

1370. But I understand you to say that you agree with Mr. Street, that in order to make an effective communication with the law courts there, it will be necessary to purchase the upper end of Essex-street?—Yes.

1371. What do you estimate that at?—£. 150,000.

1372. By purchasing the upper end of Essex-street, Mr. Street contemplates being able to throw a bridge over the Strand, and so to accommodate all the legal profession who will have to come from the north of the Strand?—Yes.

1373. Do you think that that is an accommodation which the legal gentlemen who live on the north of the Strand would have a fair right to expect?—It would be a great convenience to them no doubt.

1374. Would it not be a very great inconvenience to them unless they had an accommodation of that sort?—It would be an equally inconvenient thing for all persons coming from the Embankment to have to cross the Strand to get to Carey-street from the south. The inconvenience from the north to the lawyers would be considerable, and a bridge would be a great convenience to them. On the other hand, supposing the building is not to be erected on the Howard-street site, but on the Carey-street site, all persons coming by the Embankment, and up Essex-street, will have to cross the Strand unless they have a bridge.

1375. Those who wish to go to the law courts, you mean?—Yes.

1376. Have you paid any attention to the proportion of people that would be likely to frequent the Law Courts, coming from the north and from the south?—I do not know that there is any means of ascertaining that.

1377. Is it not assumed that the legal profession, and all those who belong to the legal profession, are those whose interests are primarily, though not exclusively, to be considered, when we discuss the question of the most convenient site of the Law Courts?—The most convenient site of the Law Courts should, I think, be considered, not only with regard to the lawyers but with regard to the public.

1378. What do you call the public?—Everybody; the public who are more or less interested in the lawsuits carried on in our courts of justice.

1379. The public interested are, first of all, the suitors?—Yes.

1380. And, secondly, the witnesses?—Yes.

1381. And, thirdly, the jurors?—Yes.

1382. And we will say, lastly, if you please, the legal profession?—Yes.

1383. Is it not a fact that, so far as the suitors and the witnesses are concerned, it is not at all infrequent that they have to go to the solicitors' chambers, and so on, before they go into the court?—I dare say they do, but I never have any legal business myself; I say that it would be an inconvenience to the barristers in Lincoln's Inn, unquestionably, to have to cross the Strand; but there are a great number of lawyers residing in the City, who would come from the City along the Embankment, and they would find it more convenient than coming to Carey-street down Fleet-street and the Strand.

1384. My question applied to those who live to the north of the Strand; now you and Mr. Street agreeing that the north end of Essex-street ought to be purchased in order to make an effective new courts of justice scheme on the Embankment site, the total value of the ground is raised from 600,000 *l.* to 750,000 *l.*?—Yes.

1385. May I ask if that estimate includes all the other expenses beyond the mere value of the land?—Well, I do not think it would include the conveyancing expenses on the part of the vendors.

1386. Can you tell the Committee what the actual cost of the Carey-street site would be?—The actual cost has been 765,440 *l.*

1387. That is the total cost of the land and houses?—Yes.

1388. But has not a further sum to a considerable amount been paid for contingent expenses?—Yes.

1389. Can you tell the Committee what that sum is?—No, I cannot tell what it is; it must depend first on who buys the property; secondly, who has the conveyancing business to do, and a variety of circumstances.

1390. But the Committee may understand that the 750,000 *l.* will have to be added to for contingent expenses, probably in the same way, and probably in the same proportion as the contingent expenses for the Carey-street site?—Yes.

1391. I wanted

1391. I wanted to see whether the 750,000 *l.* does really include all the necessary expenditure on the proposed new site, and you say it does not. Now with respect to the proposed additions to the Carey-street site, I think in this paper, No. 273, you refer to the fact that, in 1866, you did suggest to the Royal Commission, of which you were a member, that further grounds ought to be purchased for the purposes of further ventilation, access, and so forth?—Yes.

1392. Do you tell the Committee that the Commission agreed with your view in that respect?—I do not know whether they agreed with my view or not.

1393. So far as we all know they have not acted upon it, have they?—No.

1394. The commission was composed of gentlemen of eminence, I believe, in every branch of the legal profession?—Yes.

1395. They naturally, I assume, would look very carefully to what is necessary for their health and convenience?—Yes.

1396. And having spent some years now in deep consideration on this matter, they do not appear to have thought it necessary to enter into those further purchases which you to-day have told the Committee you thought essential?—They did not then think it expedient, at all events.

1397. And so far as we know, we may assume that to be their view now?—Yes.

1398. Among other suggestions to raise the total amount for the Carey-street site to a million, you have told us that it will be necessary to buy the south side of New-square, Lincoln's Inn?—I said it was probable that it would be called for. I did not include that in my million.

1399. On what ground does your opinion rest that it will be called for?—I think for improved ventilation.

1400. What is to be the width of Carey-street?—Sixty feet.

1401. And then comes this one block of houses, after Carey-street has been widened to 60 feet?—A low block of houses; they are included in Mr. Pownall's estimate.

1402. Then comes a single line of houses one house deep, between the widened Carey-street and of New-square, Lincoln's Inn?—Yes.

1403. Do you tell the Committee that that single line of houses interferes with the proper ventilation of this new building, if it is put on Carey-street?—That is my opinion.

1404. That being your opinion, may I ask what is the width of Howard-street to be?—Sixty feet.

1405. Just the same as Carey-street?—Yes.

1406. What blocks of buildings, after Howard-street has been widened, will intervene between the New Courts of Justice and the Strand?—There will be buildings of a limited height, no doubt.

1407. Are they a more limited height than Messrs. Smith's premises?—I am speaking of those immediately abutting upon the north side of Howard-street.

1408. But will there not be blocks of houses more than one house deep between the widened Howard-street and the Strand?—Yes.

1409. Will they not, according to your view, materially interfere with the proper circulation of air to the Law Courts?—They will be better away; I say that the south side of New-square, Lincoln's Inn, would probably be removed.

1410. On the same principle as you debit the purchase of the Carey-street site with the removal of the south side of New-square, must not the Howard-street site be debited with the removal of the houses that lie between it and the Strand?—But I have not debited the Carey-street site with that which you suppose.

1411. How do you obtain the 1,000,000 *l.*?—I said first of all that there is 600,000 *l.* of Mr. Pownall's; there is 150,000 *l.* for widening the north-west corner of Lincoln's Inn; there is 70,000 *l.* for widening the Turnstile; and there will be 100,000 *l.* for widening Serle-street and Portsmouth-street, and then there is Clare Market, of which I have made no estimate.

1412. The 70,000 *l.* for the Great Turnstile would apply of course equally to the Howard-street site?—No, I do not know that it would; I think that the smaller Turnstile would; but I am not quite certain that it would in the other case.

1413. Then these houses to the south of New Square, Lincoln's Inn, being not more objectionable, to say the least of it, than the houses to the north of the widened Howard-street, let us come on to the west; I think you say that on the west Clare Market is highly objectionable, and the whole of that district you would sweep away?—I would improve it.

1414. For purposes of ventilation, and so forth?—Yes.

1415. Now King's College Hospital for some years has been in existence?—Yes, it has.

1416. Are you aware whether any complaints are made of the badness of the air for the patients?—No, I am not.

1417. But King's College Hospital is nearer to Clare Market, is it not, and that bad district, than the proposed New Law Courts?—Yes.

1418. If, therefore, no inconvenience has been found to the patients in the King's College Hospital there, why should it be found to the lawyers and the public using the Courts?—I am only venturing to give you my opinion; I do not know the condition of the patients in King's College Hospital.

1419. With respect to the 3½ acres of ground that the Commission recommended to be added to the Carey-street site, when they contemplated a larger building, did you hear Mr. Street's evidence?—No, I did not; this is the only day that I have been here.

1420. I understand Mr. Street to say, that of those 3½ acres about one acre would be contemplated to be re-sold?—I think that I heard him say that to-day.

1421 Did you take that into calculation in giving your evidence as to the million which would have to be added for the purchase?—No, I do not think that any of that should be re-sold.

1422. There you differ from Mr. Street?—Certainly; I should not counsel the sale of a piece of that.

1423. But Mr. Street, who is responsible for the building, in your audience gave that evidence?—Yes, he did.

1424. Did you hear Mr. Street say, that if the minor plan is adopted a portion of the existing Carey-street on the west might well be given up, provided that the low buildings on the north of Carey-street were acquired?—Yes.

1425. Do

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1425. Do you agree with him in that?—No.

1426. You think that Mr. Street, who is responsible for the building, has not given a satisfactory answer?—I am only giving my own opinion as to what I think should be done.

1427. I think you told us, that on the north of Howard-street the new buildings that might be erected after Howard-street had been widened would be of a regulated height?—Yes.

1428. Will you tell the Committee what buildings those are to which you refer?—This represents the ground proposed to be taken (*pointing to the plan*). These properties (*pointing them out*) will be appropriated, if the street is made, for building purposes.

1429. Will you show how far the 60-feet street will come? (*The Witness described it.*)

1430. How do you propose to put houses on that?—On this piece that we shall acquire.

1431. Seeing this plan, will you explain to the Committee how, if the north of Essex-street is not purchased, this building can be placed so as not to interfere with the line of the existing Essex-street?—Essex-street need not be altered, really, beyond this point (*pointing it out*); but Mr. Street's project is to improve the thoroughfare throughout.

1432. Seeing the line of the proposed new buildings, as shown on this plan, are you of opinion that it would be at all advisable to leave the north end of Essex-street as it exists at present?—No.

1433. Mr. *W. Cowper.*] Some doubt having been expressed as to whether this widening of the upper end of Essex-street should be charged to the expenses of the Howard-street site, I would ask you to tell me whether it would not be the case that if the Courts of Law are built upon Howard-street without any widening of the north side of Essex-street, the public will be greatly injured by the transaction, since they will be deprived of the use of Norfolk-street, which they would have if no Courts of Justice were built there at all?—I do not quite fully understand you.

1434. Supposing that the Courts of Law are not built in Howard-street, the persons who come by the railway will be landed at the bottom of Norfolk-street?—Yes.

1435. They will then have a wide street to proceed to the northward; but if the Courts of Justice should occupy the lower part of Norfolk-street, the public will be deprived of that opportunity of going to the north, will they not?—Yes.

1436. And they will also be deprived of the use of the other streets, Surrey-street and Arundel-street, because the building will occupy the southern sides of them?—Quite so.

1437. Therefore for the communication between the Embankment and the Strand, will not the building of the Courts of Law, without the widening of North Essex-street, be a great public inconvenience?—Certainly.

1438. Are we wrong then in supposing that if the act of those who build the Courts of Law upon Howard-street, deprives the public of an access which they would otherwise have that would be convenient, they are bound in all equity to bear the expense themselves of replacing the public in the convenient position which they would have been in, without the building of the Courts of Law?—Yes.

1439. The houses to the north of Howard-street are of a more expensive character, as I understand, than the houses to the south of Howard-street; have you been able to form any estimate of the difference in value, if it became necessary hereafter to purchase the houses between Howard-street and the Strand?—It depends upon how long it is before you require it, and so on. But no doubt if the courts are built south of Howard-street, the property north of it will very much increase in value; unquestionably, that will be the case.

1440. You have contemplated that there need be no increase of the buildings of the Courts of Justice; but supposing that hereafter there should be an increase, will it not be much more expensive to increase them north of Howard-street than it would be on the Carey-street site to increase them by buying all the property to the west in the direction of Clare Market?—It depends upon what happens in the meanwhile; I say that *primâ facie*, it would be cheaper to buy the property in the direction of Clare Market than to buy the property in Howard street.

1441. But do you contemplate that anybody would be able to purchase Clare-market and its neighbourhood and build upon it very valuable houses, without having compulsory powers in an Act of Parliament?—No, certainly not.

1442. Therefore there is no reasonable prospect that any change would occur to the west of Carey-street, that would render purchasing in that direction as dear as purchasing north of Howard-street?—No.

1443. Will you explain why you answered just now that the Law Institution was incorrect in laying down a proposition which, *primâ facie*, seemed a simple one; that proposition was, that if the new building in Carey-street was placed upon six acres out of the 7½ acres of which the site consists, that would remain 1½ acres of surplus land. I think I understood you to say that that was an incorrect statement?—I do not know that I said that it was incorrect, but I did not indorse it.

1444. The statement was that if the building was placed upon six acres of ground there would then be 1½ acres disposable, and that there would be no material interference with light, air, and approaches?—Yes.

1445. I did not precisely understand the answer that you made to that, but perhaps you would explain now, more fully than you did then, what is your view upon that subject?—My view, no doubt, was that I would not sell an acre and a half, or half an acre, or any other quantity of land, which might not be occupied by the building.

1446. That you do not consider it surplus land, in the sense of putting it up to sale?—No.

1447. But that you think it desirable to preserve it for the purposes of approaches or light and air?—Yes.

1448. Then, I think, there was another statement mentioned in a question to you, namely, as to whether the foundations of the Howard-street site would not involve large preliminary expenses for foundations; I understand you not to question that the expenses for the foundations would be far greater on the Howard-street than on the Carey-

Carey-street site?—I do not know what the soil of Carey-street is; I have assumed that the soil in the Howard-street site would require an artificial foundation, and I have taken that at 15 feet deep.

1449. Is it not a fact well known among engineers, who have any experience of the banks of the river, that all along that side of the river the foundations are much more uncertain and much more difficult to build upon than those upon higher ground?—Upon that subject I said I had taken the opinion of two of the best engineers in London, and therefore I will ask the Committee to take their evidence upon that.

1450. Then I will put it in this way: you said that you calculated upon a concrete foundation of 15 feet in depth for the Howard-street site?—Yes.

1451. Should you think it necessary to make any calculation of that sort for a concrete foundation of that kind on the other site, the Carey-street site?—No; I assume that the foundations for the Howard-street site are extra altogether; extra upon ordinary foundations.

1452. Mr. *Bentinck.*] Have you always been of opinion that the Carey-street site was not adapted for this purpose without extra approaches?—I think that I have, ever since I have been a Commissioner.

1453. You are aware that in 1861 a Select Committee sat upon the question of the site, of which my right honourable friend who has just examined you was the Chairman, and of which I myself was a humble member?—Yes.

1454. You were not yourself examined before that Committee?—I am very glad to hear it.

1455. But the Government, whose Bill it was, examined Mr. Abraham and other experienced witnesses upon this subject?—Yes.

1456. I do not find that that objection was taken at all then?—No.

1457. And, therefore, they differed from you in that opinion?—Perhaps they had never considered the question.

1458. I should like to call your attention only to one point that has caught my eye; will you read Question 111 in Mr. Abraham's evidence, and the answer to it?—"You leave Carey-street 10 feet wider than it is at the present moment?" the answer is, "If Carey-street is 60 feet wide it will be the width which the Crown surveyor, Mr. Pennythorne, and others, have thought sufficient for a public thoroughfare. *Q.* It will be 10 feet wider than the Strand at this moment?—*A.* The narrowest part is 40 feet, at Holywell-street; I do not think that Temple Bar is the narrowest part."

1459. Do you agree with the proposition which Mr. Pennythorne, the Crown surveyor, seems to maintain, that 60 feet width is sufficient for Carey-street?—Sixty feet is a very good width for an ordinary purpose.

1460. Not for that purpose?—For this purpose I say that it is a very good width, but I do say that in order to give additional ventilation, some day or other it will be thought expedient or desirable to pull down the south side of New-square, Lincoln's Inn; this is not the first time that I have suggested it; I have suggested it from time to time to members of the Commission, and I ask the Committee to judge for themselves, and look at it on the spot.

1461. Then I understand that if you had been examined before the Committee of 1861, instead of Mr. Abraham or the other witnesses who were brought forward by the then First Commissioner of Works, to substantiate the proposition that he was desirous to carry, you would have advised the Committee that it would have been impossible or inexpedient to erect the building on that site without large purchases of additional land?—I cannot say in 1869 what I might have said in 1861.

1462. But the circumstances of the case in no way differ?—But I have had four years to judge of this from being on the Commission.

1463. You think that the advice which they gave then was erroneous?—You must not ask me to say that.

1464. Did the Committee come to a decision to adopt this site in Carey-street distinctly upon the understanding that the ground then purchased was sufficient for all purposes?—Yes; I believe so.

1465. They were advised to come to that conclusion by the experienced witnesses produced by the Government?—Yes.

1466. If those witnesses advised the Government that that was the correct course, in your judgment the advice would be erroneous?—Perhaps according to their view at that time it may not have been erroneous. If I had been examined at that time, perhaps, it might not have occurred to my mind; all I can say is that in 1861 they gave an opinion from which I, in 1869, differ.

1467. Was it erroneous then?—It depends upon circumstances.

1468. At all events the recommendation which they then made was insufficient?—According to my judgment.

1469. Touching this question of the access, you have answered Lord John Manners, that although it would be convenient to barristers and others connected with law, that they should not have to cross the Strand, yet having to cross the Strand would be inconvenient to those from the Embankment or the south?—Yes.

1470. Have you at all considered the number of people likely to come that way?—No; nor should I be able.

1471. We have had it in evidence that the Court of Chancery and its offices occupy more than one-fourth of the building; you have attended, of course, the Court of Chancery, occasionally?—I have been a spectator, occasionally.

1472. You have never seen a great number of spectators there, have you?—No, but I have in the ordinary common law courts.

1473. The common law courts that will be taken to this Carey-street site, are those now held in Guildhall and Westminster?—Yes.

1474. Do you really think that if those courts are taken to this Carey-street site, there would then be immediately a crowd from the Embankment corresponding to the crowd at the Crystal Palace on the Forester's fête?—I have never seen a Nisi Prius Court at Guildhall or Westminster that was not completely crowded.

1475. Because those are very small courts; but you never saw a great procession of people going to the courts?—No, because you have not now 18 courts together.

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1476. If you had the common law courts together, do you think that you would have such a crowd coming from the south as would endanger the lives of people crossing the Strand?—No.

1477. Mr. *Goldney.*] Do you think that the turning out of 4,000 people from a site already cleared, should be at all an element in the consideration of the Commmittee?—Not the least in the world.

1478. In your estimate, have you taken into consideration any claim for compensation that the people in the upper end of Norfolk-street, Surrey-street, and Essex-street, would be entitled to for having their access cut off?—On the contrary, I have suggested putting a clause into the Act of Parliament, that in estimating any damage which they suppose they may sustain, the increased advantages should be taken into consideration; I have contemplated that the claim would be made, but as I entertain a strong opinion that the property will be vastly increased by the proximity of the courts, I consider that there will be no compensation required.

1479. You have taken it into consideration but not into the estimate?—I say that there will be no compensation.

1480. Assuming Government to re-let this land, it is suggested that the Government might enter into a building arrangement; now, having reference to the loss that has been incurred by that same process in the City, do you still think that the Government could realize the 3¼ or 3½ per cent.?—I am speaking in the presence of persons who have expressed their willingness to give it; therefore I cannot have any doubt whatever as to the expectation of realizing it.

1481. In the event of Carey-street being widened in the way that you suppose, would it not attract a very large amount of heavy traffic?—It depends upon whether the opening is made into Holborn.

1482. Do you know that the qualified widening of Carey-street has already attracted a large amount of railway traffic?—Passing by the Union Bank? I do not know.

1483. Would you be surprised if you were told that the wagons with heavy railway goods passed that way now, and did not before?—No; I think that they will make their way into every good thoroughfare.

1484. If it were still further widened it would present a further attraction to them?—And increase, of course, the noise that would prevail.

1485. Would not that be detrimental?—I do not suppose that the noise of a street 60 feet wide would be more detrimental than the noise of a street 50 feet wide.

1486. Unless you brought more traffic?—I cannot discriminate between those two cases.

1487. You do not believe in seven spirits more wicked than the first coming there?—No; but the project is to keep Carey-street stopped from heavy traffic altogether.

1488. But that is not what you contemplate with these additional purchases?—No.

1489. Mr. *Beresford Hope.*] Do I rightly understand that you were always dissatisfied with the Carey-street area as a site for the Law Courts?—I cannot say that I was always dissatisfied, but I was always anxious to improve the surroundings; it was no part of the duty of the Commission to take into consideration any other site than that with which they had to deal; and I say rather than spend money in improving the Carey-street site, let us have the site on the Thames Embankment where we can get at a moderate expense better ventilation, and, at least, as good approaches as we have in the other; so that I have always felt that that great enlargement was necessary in Carey-street.

1490. Do you believe, looking at the character of the property round Carey-street, part of it being Lincoln's-inn, where there is comparatively little residential, but a large garden space, and part of it being Lincoln's Inn Fields, that the margin of squalid poverty about it will be such as to make the air unwholesome and unpalateable?—It seems to me so, walking round the locality.

1491. And you think, as a practical man, that it really will have this effect?—I do.

1492. It will have this effect upon the offices, I suppose; according to the plan, the Courts would lie inside, on the Carey-street site?—Yes; but the air would find its way into the Courts. There is a certain amount of vitiated air to be expelled, and a certain amount of fresh air to be brought in; and if the source from which you bring it is contaminated, evil effects will result.

1493. At present is there a considerable amount of disreputable property near Howard-street, by Milford-lane?—Yes, comparatively.

1493.* But part of that would be swept away by your scheme?—Yes.

1494. Then you consider that the area surrounding the Courts, if built in Howard-street, will be of that quality which will yield a superior ventilation?—Yes.

1495. Somerset House is on one side, and the river on the other?—And the Temple on the other.

1496. Do you consider the Carey-street area unfitted in its conformation to be a site for law courts, putting its surroundings out of the question?—I have only considered the relative position of one site over the other; I do not know whether Carey-street, or the City, or Westminster is the best place to put the Courts of Justice.

1497. But in itself, do you consider that by its shape and its size, it is well fitted to hold a large public building of that class?—Yes, no doubt, supposing that the public building is not too big for the street, and that there is plenty of space and air.

1498. And do you consider that Mr. Street's reduced building would be too big for the Carey-street area?—I have not had an opportunity of judging of Mr. Street's designs; I have not been asked to look at them except as one of the public, and secondly you cannot judge from a small sketch of that kind what the details of the building would be when they had been digested and drawn out to a larger scale; they will be well considered, no doubt.

1499. Mr. *Layard.*] Do you think that if Government upon the report of this Committee were to decide to change the sites, any great delay would take place in erecting the Law Courts on the Embankment site?—If you pass the Bill which

which is now before Parliament this Session, there would be no delay.

1500. And supposing that that Bill were not passed, what would the delay be?—The delay of a year to get another Bill passed next Session.

1501. You would give the notices in the usual manner?—In November.

1502. But supposing that the Bill should be passed this year, there would be no delay?—No, not in the execution of the works.

1503. In both cases the working drawings would have to be made, I understand, and the contracts taken?—Yes.

1504. You stated that the additional land which, in your opinion, would be required to make the Carey-street site available for the Law Courts would cost a million sterling?—Yes.

1505. That does not include the expenses of conveyance, and other legal expenses, on acquiring it?—No.

1506. Therefore, you would have to add to that million a further sum?—No doubt.

1507. Then, in your opinion, taking the cost of both sites, as far as you are able to judge, the Howard-street site would cost a million less than the Carey-street site?—That is according to my opinion, acting upon the best judgment that I can bring to bear upon the subject. As a public servant, and as a servant of the Government, that is my opinion.

1508. And that is the advice that you have given me, as First Commissioner, you being the responsible adviser of my Department?—Yes.

Mr. *H. A. Hunt.*

13 July 1869.

Friday, 16th July 1869.

MEMBERS PRESENT:

Mr. Bentinck.	Lord John Manners.
Mr. Chancellor of the Exchequer.	Mr. Mowbray.
Viscount Enfield.	Mr. Osborne Morgan.
Mr. Goldney.	Lord Stanley.
Earl Grosvenor.	Sir William Tite.
Mr. Layard.	Mr. Torrens.

THE RIGHT HON. LORD STANLEY, IN THE CHAIR.

Mr. JOHN FOWLER, called in; and Examined.

Mr. J. Fowler.

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1509. *Chairman.*] I NEED hardly ask you whether you are the Engineer of the Metropolitan Underground Railway?—I am.

1510. You have consulted, I believe, with Mr. Street, the architect of the New Law Courts, and also with the Office of Works, upon the subject of your station by the Temple?—I have.

1511. And we understand that there is no objection on the part of the railway company to the removal of the station?—No. The result of our consideration of the question has been, that the Law Courts, as proposed, and the railway, with a slight modification, (to which we see no objection) may be made compatible with each other.

1512. And I believe that you found the authorities of the Temple also willing to give you all facilities?—Yes.

1513. Supposing that plan to be carried out, we understand that the station will be close to the entrance of the New Law Courts, if they are put upon the Embankment site?—Yes, at the end of a new street which would be continued to the Thames Embankment from the Strand, a continuation of Essex-street, in fact.

1514. I suppose that there is hardly any limit to the quantity of passenger traffic that your railway, when completed, would be able to carry in the day?—No, we have not yet nearly reached the limit on any part of the Metropolitan Railway.

1515. Then do you think that, with the facilities afforded by the railway, and also by the road running alongside, and the river, there would be a better access to that site than to any other that could be proposed?—I think it would be the most accessible site that could be found in London; it has three extremely good means of access, namely, the river, the new wide road, and the railway, constituting, for all practical purposes, accommodation without any limit; the very numerous trains which would run upon the railway is a peculiar and important element with such a combination of business as would be concentrated in the Law Courts.

1516. When your railway is complete, there would be access by it from the east as well as the west, a complete circle?—Yes, and with trains every two or three minutes in each direction.

1517. We have heard something of the difficulty of obtaining foundations for a building upon a great scale so near to the river; is there such a difficulty?—That is quite a misapprehension; there is no difficulty whatever. The foundation is extremely good upon the site of the proposed Law Courts. The investigations made for the purpose of the Thames Embankment show the nature of the foundation, viz., that at a moderate depth you reach the hard clay, but above the clay is a gravel, which is free from alluvium, and which would form a good foundation; but if the foundations were to be taken down to the clay they would be moderate in depth and inexpensive, by reason of the Thames Embankment forming a permanent coffer dam.

1518. With regard to the possible effect upon the buildings, or upon those who occupy them, of vibration, produced by the railroad, I believe that there is a good deal of experience now upon that subject, and that vibration is not found to be practically inconvenient?—In speaking of vibration, I always prefer to divide it into two parts; first of all, vibration with reference to structural damage, and secondly, vibration with reference to inconvenience. With reference to structural damage, we have no instance anywhere of the vibration of a railway causing structural damage, however near, or however fragile buildings may be. With regard to inconvenience, it is a question about which there may be differences of opinion, but perhaps the best instance for a guide in such matters, would be found in the case of the Metropolitan District Railway, which now runs within a few feet of Westminster Palace Hotel. In Westminster Palace Hotel a good many arbitrations are held. I believe that under no circumstances have persons sitting upon those arbitrations been conscious of the passing of the trains. That, I think, in itself, is a very significant fact. Again, immediately near the same point, is Westminster Hospital; there the railway passes within two or three feet of the open area, which is a few feet in width, separating the road from the hospital. Since the opening of

of the railway, we have never had the slightest complaint of any inconvenience in the hospital, nor have the people in the hospital been conscious I believe of the passing of the trains. I could give a great many other instances, but I think that the two I have named are the most to the purpose.

1519. Mr. *Layard.*] Can you state to the Committee to what depth the foundations of the railway are carried along the Thames Embankment?—The depth varies according to the level at which the clean gravel is found; but the railway is carried nearer to the river in all cases than the proposed Law Courts, and therefore the clay on which the gravel rests is deeper where the railway passes than it would be at the proposed Law Courts. The clay, I may say, for the information of the Committee, rises on the average at an inclination of 1 in 30 from the river, and consequently the foundations are less in depth and less expensive when a building is removed, as in the case of the Law Courts, at some distance from the river.

1520. Can you state the depth?—I could scarcely give the depth, it varies at every point.

1521. Can you give the average roughly?—I should think that about 15 feet below the bottom of the railway would represent the average.

1522. Then you think that if provision were made for foundations of concrete, to the depth of 25 feet for the proposed Law Courts on the Embankment site, it would be ample?—It is more than ample; I have seen what is proposed by Mr. Street, and also what is suggested by Mr. Hunt, and from my knowledge of the foundations, I am satisfied that the provision they have made will be found greater than is necessary in practice after Mr. Street has ascertained the depth of his foundations precisely.

1523. Do you know the distance of the House of Commons from the railway?—One hundred and fifty feet.

1524. That is from a point near the railway station?—It is the railway station itself.

1525. If the Law Courts were about 100 feet from the railway station, or the railway, would there be any sensible appreciation of the railway at that distance?—No; but you have a more analogous case in Westminster Abbey, which is about 70 feet from the railway, almost exactly the same distance as that proposed for the Law Courts.

1526. Will you state to the Committee what the obligation of your railway company is as regards access by Surrey-street, Norfolk-street, and Arundel-street to the Strand?—In the Act of Parliament a number of clauses were inserted by which the railway company were compelled to place their station opposite Norfolk-street, with side approaches from the Thames Embankment and from the railway station, so as to give ample access to the streets which lead up to the Strand. The consequence of the modification in the railway and station, which would be caused by the placing of the Law Courts on the Thames Embankment, would be that the access from the station would be up Essex-street, instead of by those three streets. I think that the alternative would be quite as convenient as the plan we are at present under obligation to carry out.

1527. Under the Act you are obliged to bring a street from the level of the Embankment to the level of these three streets?—Yes.

1528. But you are not bound to alter these streets?—No; but it involved a terrace by which the difference of level, between the railway station and those streets, was got over, so that the streets come up to the railway station at a level above the Enbankment, and from this terrace, access was made, partly by steps, and partly by inclines, to get down to the railway station, and the Embankment roadway.

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1529. Could carriages enter those streets?—Yes; provision was made for carriages to enter there from the Embankment by a circuitous inclined plane.

1530. But you are not to alter the level of those streets; they remain as they are?—They remain as they are.

1531. At what time do you think that it would be desirable for the Government to come to some decision as regards the alteration of the position of your railway station?—Certainly in the present Session. The works of the railway could not be arranged that the question could remain open beyond the present Session. I mean this, that we must either proceed on the old plan or on the new. If we proceed on the old plan it will be inconsistent with placing the Law Courts as proposed. If we proceeded on the new plan, and the Law Courts were not placed there, the railway station would be all wrong; therefore it is almost a necessity that there should be a decision during the present Session.

1532. "All wrong" for what?—For the communications; there would be no means of access from the new station to the Strand, because it would be dependent on Essex-street being opened out; neither, I apprehend, could we obtain the consent of the Temple unless it were to be a part of the plan; nor could we be relieved from our obligations to the Duke of Norfolk to take the station from Norfolk-street excepting it were a part of the plan and consistent with the Law Courts.

1533. Then I understand you to say, that if the Government takes possession of the property belonging to the Duke of Norfolk, all the obligations which the company are under to the Duke would be transferred to the Government?—I apprehend that would follow.

1534. As regards the general convenience of the metropolis, and your railway in particular, do you consider that Essex-street is of more value than the other three streets?—We have looked at that question very carefully indeed, because it affects ourselves, and we believe that Essex-street would be at least as convenient as the existing arrangement at Norfolk-street.

1535. And supposing hereafter that Essex-street were continued by a street through the present Carey-street site, and thence to the north of London, Essex-street would then become a very material artery of communication between the north and south?—Most important.

1536. Mr. *Mowbray.*] How soon do you contemplate the railway being opened to the Essex-street station?—In about nine months.

1537. Lord *John Manners.*] What are the arrangements under the new scheme for carriage traffic to the railway station at the bottom of Essex-street?—Essex-street would itself be the carriage approach to the station, and would form a junction with the Thames Embankment roadway, the station buildings being immediately to the west of Essex-street, at the

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point of its junction with the Thames Embankment.

1538. And can you tell us what would be the steepest incline?—No; but there would be very little incline.

1539. I was under the impression that Essex-street descended by a flight of steps to the Embankment, if so, how do you get over that steep incline?—I have never taken any section; but I find, from the present south end of the Embankment, there would be an inclination of one in 29 to Essex-street.

1540. Can you tell us how many steps there are at present from the end of Essex-street down to the level?—No, I cannot.

1541. Have you managed your incline satisfactorily with respect to the approach road to your station from Norfolk-street and the other streets leading to the Strand?—In the old plan? Yes.

1542. You think that old plan would have given convenient carriage communication from the Strand to the railway station?—The only objection to it was that it was circuitous, but not too steep.

1543. It was safe?—It was safe.

1544. If Parliament do not sanction in the present Session of Parliament placing the Law Courts on the Embankment, and the question is re-opened after you have made your stations and ventilating shafts on the present scheme, has your company come to any resolution as to who is to bear the expense of any future alteration that may ensue?—No, we have not; we have assumed that Government will decide one way or the other during the present Session.

1545. What if they do not decide?—Then we must encounter and consider a very difficult state of things.

1546. With respect to the foundations, are you able to tell us what depths the foundations of the Houses of Parliament have?—No; they would be much deeper, because they extend much further into the river.

1547. They would go, would they not, considerably below the foundation of your railway?—Certainly; but Westminster Abbey and the Westminster Hospital are much higher, that is to say, the foundations of the railway are deeper than the foundations of Westminster Abbey or the foundations of Westminster Hospital.

1548. Are you aware of the evidence given by Mr. Hawkshaw before Lord Elcho's Committee, as to the vibration felt at the Westminster Palace Hotel?—I think Mr. Hawkshaw said that when sleeping at the top of the hotel, he felt the vibration or heard the noise of the trains; of course that would be so if he said so; but with reference to the rooms which are usually occupied for arbitrations, I can say, speaking from my own experience, being frequently in those rooms, and from that of others, that it is perfectly impossible at any time to hear the trains or to be conscious of their passing.

1549. Therefore we may take it that your experience of a certain portion of the Westminster Palace Hotel enables you to tell the Committee that no vibration is perceptible in those rooms?—Yes.

1550. But Mr. Hawkshaw having stated in evidence before Lord Elcho's Committee, that he was conscious of vibration in certain parts of the Westminster Palace Hotel, you would say, would you not, that vibration certainly exists?—Yes.

1551. Earl *Grosvenor.*] Do you remember the distance of the Westminster Palace Hotel from the railway?—Eighteen feet and 13 feet are the distances of the points nearest to the Westminster Palace Hotel.

1552. Have you power to shift the station from Norfolk-street to the space between the Temple pier and the Temple library?—There is nothing in our Act of Parliament which would forbid our doing so; the Act of Parliament enables us to acquire all the property which would admit of our doing that.

Mr. Henry Ray Freshfeld, called in; and Examined.

Mr. *H. R. Freshfield.*

1553. *Chairman.*] You are a Solicitor to the Bank of England?—I am.

1554. And have a very considerable experience of your profession?—Yes, nearly 40 years.

1555. And probably you have a very extensive acquaintance among members of the legal profession of both branches?—Yes.

1556. I understand that you have formed an opinion, and are prepared to express it, as to the comparative advantages of the two sites now before the Committee?—It appears to me, and also to my partners, that the Embankment site is preferable to the Carey-street site, especially on the ground of its approaches. The Embankment site has the advantage of roadway, waterway and railway, both from the east and from the west, and on those grounds we think that it generally would be more convenient to the public and to the profession than the Carey-street site.

1557. You are speaking of the profession generally, and you have considered, I suppose, not only those who reside in or near the Temple, but those who reside further north?—Certainly.

1558. Mr. *Layard.*] I think either yourself, or a member of your firm, accompanied a deputation which waited upon the Chancellor of the Exchequer?—My nephew did.

1559. I think he stated to the Chancellor of the Exchequer that he was authorised to speak for many of the leading firms of the City?—For several of the leading firms of the City.

1560. And those firms have a very strong opinion that it would be for their convenience, and for the convenience of the profession and of the public, that the Law Courts should be on the Embankment site?—Yes; they were of opinion that the Embankment site is preferable; in fact, Carey-street is almost unapproachable from the extent of traffic in the Strand and other streets, whereas, with the aid of the new street, which extends from the Mansion House direct to the Embankment, the Law Courts would on the Embankment site be placed in the most convenient access for all those in the City who had business at the Courts. Hitherto, the City law cases, involving the attendance of a great number of witnesses and jurors, have been tried at Guildhall; they involve the attendance of a vast number of persons engaged in the commerce of London, to whom time is very valuable. We think that the Embankment site, by

by reason of its accessibility, offers greater advantages for these persons than the Carey-street site.

1561. I presume you would admit that for the occupants of Lincoln's Inn the Carey-street is preferable?—There is no doubt of that; but that is regarding the question from a selfish point of view; if we were to look at it only in our own interest, the City would be by far the most convenient for us; any alteration of the sittings of Guildhall must affect all those having business in the City.

1562. You presume that the sittings in Guildhall would be removed when the new courts were built?—Certainly.

1563. And suitors, witnesses, and jurors, and the public, from the City, would have easier access to the Embankment site than to the Carey-street site?—Yes.

1564. Do you speak with regard to the Common Law Courts alone, or with regard to the Equity Courts as well?—As regards the whole of the Courts; our view is that the Courts are to be concentrated.

1565. It has been stated to the Committee that the loss of two or three minutes to barristers who are required to be in attendance is so important a consideration to the public, that that ought to over-ride every other consideration in regard to the choice of the two sites; is it, in your opinion, so?—I should say not. We must lose a great many minutes in going to the Carey-street site. I put aside the question of the interests of individuals. I think Sir Roundell Palmer stated that the distance from his chambers in Lincoln's Inn to the Embankment site was five minutes; I do not consider that an unreasonable time for a great public advantage.

1566. Lord *John Manners.*] Can you tell us exactly how many firms you represented at the interview with the Chancellor of the Exchequer?—I think my nephew spoke for four or five of the leading firms of the City of London.

1567. Are you able to tell the Committee how many of the City solicitors have signed the petition to the House of Commons in favour of the Carey-street site?—No; I was myself invited to sign a petition circulated by the Incorporated Law Society, and I know when a petition comes from a body of that kind, supposed to represent the profession, we are too ready to put our names to it.

1568. Would you be surprised to know that 472 names were appended to that petition?—No, I should not.

1569. With respect to the convenience of solicitors residing to the north of the Strand, I understood you to say that their convenience will be consulted by placing the courts on the Thames Embankment site?—Of course the nearer the court is to the chambers of counsel and solicitors, the more convenient it is for them individually. I do not see at present the access to the Carey-street site.

1570. If there is no good access to Carey-street, from the north, what good access is there from the north to the Howard-street site?—There is no good roadway, at present.

1571. Will not, therefore, the balance of inconvenience, for those who reside on the north, be against the Howard-street site?—Certainly, those who reside to the north will have to go a little further; five minutes, at the outside.

1572. With respect to the state of the traffic at present, you say (no doubt most correctly) that the traffic from the City to the Strand is obstructed?—Yes.

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1573. But a great new street is now in progress of formation between the City and the Embankment?—Certainly.

1574. Is it not calculated that that will greatly relieve the existing traffic from the City to the Strand?—No, I think not; it is the heavy traffic that stops the way. To-day I came here from the City in a shorter time than I could get to Carey-street. I came across Southwark Bridge, and over Westminster Bridge.

1575. But the new street is not yet opened?—The new street from the Mansion House to Blackfriars is not yet opened.

1576. What I mean to call your attention to is the probable effect of that new street on the traffic from the City to the Strand after it has been opened?—I have seen the traffic of London increase so enormously within the last 25 years that I doubt its being much relieved. The fact is, that the heavy waggons, carts, &c. stop the way; and that must still go on. The traffic to and from the enormous warehouses in Cannon-street, Gresham-street, and that neighbourhood, I think, would continue to make Fleet-street an obstruction; the only chance would be a new street.

1577. Under the new Act of Parliament, are there not regulations imposed to regulate the traffic?—Yes, but practically it does not give us much relief; I feel it every day.

1578. Earl *Grosvenor.*] Mr. Field, in his evidence, stated that a great many suitors have died, in the course of years, from the inconvenience and delay in the dispatch of legal business; do you not consider that the health of the solicitors and the barristers might be not only not interfered with, but rather promoted, by five minutes' walk, supposing the site were in Howard-street?—I should be happy if my walk were not extended more than five minutes.

1579. Still that could not do them any harm?—Certainly not; I think it is unreasonable to object on such a ground.

1580. Mr. *Goldney.*] Can you say what proportion of the solicitors live north of the Strand to those living on the other side?—I think a third at least, perhaps more.

1581. But as compared with those living in the immediate vicinity of the Temple?—I cannot answer that question.

1582. Would you say six-sevenths?—I should say certainly not; I believe that the solicitors east of St. Paul's are about one-third of the whole number.

1583. Are there any agency offices east of St. Paul's?—Yes.

1584. How many?—I cannot mention; there are large ones.

1585. Are there three agency offices?—There must be a great many more; Messrs. Young & Maple's offices, for instance.

1586. Is Mr. Young adverse to the Carey-street site?—I should think strongly in favour of the Carey-street site. He is an active member of the Incorporated Law Society, and a member of the Commission by whom the Carey-street site was approved.

1587. Do you know any agency solicitors who are adverse to the Carey-street site?—No.

1588. Did your firm attach their signature to the Carey-street site petition?—No, not that I am aware of. When the agent of the Law Society brought it I declined to sign it; I stated that

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that I considered the Embankment site the better.

1589. Are there many solicitors in the Temple acting as agency solicitors?—A great many.

1590. Do you know that those are favourable to the Carey-street site?—I do not know it.

1591. You have not heard the contrary?—No.

1592. What number do you think that that third that you spoke of as living in the City, amounts to?—Mr. Baxter has the numbers, but I think there are upwards of 1,000.

1593. Do you know how many out of that 1,000 signed in favour of Carey-street?—I do not know. I think that many are practically indifferent. Their object is to see some scheme carried out, and they are afraid of a new scheme, varying the site, causing delay.

1594. Those that are indifferent would not sign, would they?—I cannot say.

1595. Supposing that half that number have signed, would you think it an indication that the people east of St. Paul's were favourable to the Carey-street site?—I do not think the fact that they have signed a petition, based upon certain statements, without having before them the relative advantages of the two sites, proves much.

1596. Do you mean to say that solicitors are apt to sign without due care?—No; but that they signed a petition in favour of the concentration of the Law Courts; they thought that the Embankment site might postpone the carrying out of the work; and many were of opinion that the site having been purchased, it was dangerous to advocate a change of site.

1597. Then you think that this petition did indicate their views?—No, I do not think so.

1598. Why do you say that they thought that when they signed it?—I think you misunderstand me.

1599. I asked you first whether signing the petition indicated their views at all, and you said they signed it because they thought the Carey-street site having been purchased, it would delay the thing to have the Embankment site adopted?—I meant that they signed the petition generally, understanding that it was the scheme approved by the Incorporated Law Society, and knowing that the petition was put forward and promoted by them. The object was to provide new law courts, and they thought, perhaps, at the time that the petition would promote that object and end. I do not think that at the moment they had distinctly before them the comparative advantages of the Embankment and of the Carey-street sites. And I meant to add that, in communication with several members of the profession, they had given me as the reason of their support of the Carey-street site, that the ground having been bought and being ready for building, an alteration of site might endanger the concentration.

1600. Will you name any one who said that?—At the moment I cannot mention names.

1601. Then you know no one that signed the petition who said that?—I do not know who signed and who did not sign.

1602. Have they regarded the Law Institution as representing their feeling?—I think they have.

1603. And what were the views of the Law Institution?—The Law Institution are strongly in favour of the Carey-street site.

1604. In the question of the choice of a site, which do you think is most important, as regards the concentration of the courts, to consider the access to the public or the access to the profession?—I think that both the profession and the public should be considered.

1605, I did not ask you that; I asked you which you thought ought to be considered first?—I have difficulty in saying that the profession should be considered first.

1606. Do you think that the profession and their clerks would go more times as a rule in a cause than the public. Supposing a man were interested in a cause, there would not be the actual necessity for his going to the court that there would be for his professional man going?—The "public" involves the attendance of jurors and witnesses.

1607. Let us take the case, in the first place, of the man who has a cause; his professional man is bound to be there?—Certainly, he ought to be there.

1608. And bound to be there before, to know when it is coming on?—Yes, or his clerk.

1609. The client does not go till he is sent for?—No.

1610. Then the solicitor and his clerk would be there oftener than the client?—Yes, there are also the jurors and witnesses.

1611. How often does a juror attend as a rule?—It is impossible to say. I have known one man summoned five times in the course of a week.

1612. How often do the Courts sit at Guildhall?—After every Term.

1613. And how many Courts are there sitting at the same time?—Six or more.

1614. But as regards the Chancery business, everyone goes to Lincoln's Inn; that does not migrate at all?—No.

1615. Were you in practice when it did migrate to Westminster?—Yes.

1616. Did you find any inconvenience in that?—Yes.

1617. You find the convenience in regard to the Chancery Courts, in their being concentrated?—Yes.

1618. And being concentrated in a spot near where the counsel are?—Yes.

1619. Would it be at all beneficial to the City solicitors if those courts were moved to Guildhall occasionally?—Of course it would save them the trouble of going to Lincoln's Inn.

1620. Which would be the most convenient thing, to have the courts and counsel together, or to have the courts occasionally at Guildhall?—I apprehend that the courts and counsel should be in proximity.

1621. Live there, do you mean?—Have their chambers near the courts.

1622. You think that supposing that the courts were removed to the Embankment site, the counsel would all go there?—Yes, I think so; I think it would lead to buildings being put up on the Carey-street site.

1623. You are quite impressed with the necessity of having the counsel and courts in close proximity?—Certainly, it is very convenient.

1624. Not only that, but you think it must happen?—Yes.

1625. If the Carey-street site is abandoned and the Embankment site adopted, the counsel would migrate

migrate to the Embankment?—The Temple is convenient for the Embankment site. As regards Lincoln's Inn, if the courts are on the Embankment, I think new buildings will arise on the site already cleared.

1626. In the Temple there are no Chancery barristers?—I do not know of any.

1627. As regards the Chancery barristers, they would naturally migrate if the Embankment site were adopted?—Yes.

1628. Mr. *Torrens.*] I understood you to say that you thought that the Embankment site would be more convenient to you as practising the profession in the City, because you would have an access by a broad thoroughfare from the City along the Embankment?—Yes, I should; by road, water, and rail.

1629. That is a great line of traffic now subsisting, and the other one which can be called great in point of convenience, by St. Paul's, and down Ludgate-hill, and by the Strand, you think so blocked as to be very inconvenient?—Yes.

1630. I presume you are aware that there is another great line now in formation north of St. Paul's?—Yes.

1631. And that line, I believe, is nearly in a straight line, as straight as streets usually can be made, from the north angle of St. Paul's Churchyard to close upon Lincoln's Inn Fields, at the Great Turnstile?—Yes.

1632. You are aware, I presume, that the viaduct over Holborn Valley is nearly completed?—Yes.

1633. What difference would it make, in point of convenience, if you had to attend either a consultation or a court for hearing, whether you should come by that great northern way, or by the southern way, which would be called the Embankment route?—One's object must be to go the quickest way.

1634. That is not my question; as far as I am aware the distance would be about equal, and a transverse line from the Turnstile to the river would cut the two great lines of thoroughfare equi-distant from St. Paul's?—I cannot say.

1635. What difference would it make to you professionally if you took the great northern way by the Turnstile, or the great southern way by the Embankment to the corner of the site?—I think 10 minutes to a quarter of an hour; taking the Royal Exchange as a starting point.

1636. My question refers simply to the distance of St. Paul's from each of the two sites?—I walk now in preference to riding, the stoppages are so great.

1637. Supposing a line be drawn from Great Turnstile to the river, would it not leave both sites to the west?—I think it would leave it to the east.

1638. I should have said Little Turnstile; I mean the Turnstile at the eastern corner of Lincoln's Inn Fields?—That would take you in a straight line by the side of Lincoln's Inn Gardens, down to the garden, through Serle-street, and would bring you to the western part of the Carey-street site.

1639. Chancery-lane comes into Fleet-street opposite the gate of the Temple. Then you pass through Temple Bar and come to Essex-street, and the new site on the Embankment will be to the west of Essex-street?—I suppose it would.

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1640. Then accordingly if you take the line of Chancery-lane, or a parallel line which is a very few yards more to the west from Little Turnstile through Lincoln's Inn Fields down to the river, that would leave both sites to the west?—I apprehend that a straight line from the Turnstile referred to in the question, would run into the Carey-street site.

1641. But I want to bring you to this point; the distance from St. Paul's to Little Turnstile, and the distance from St. Paul's to the end of Essex-street, we will say are about the same?—I should have said that the distance to the Turnstile was considerably longer. I am only speaking of my own recollection. If I wanted to go from the corner of St. Paul's to the Embankment site I should get there in a very few minutes.

1642. And how many minutes would it take you the other way?—The other way it would take me a long time, because I should have the block of the street.

1643. What do you mean by a long time?—It is almost impossible to say, but I go to and fro to Lincoln's Inn almost daily. I can walk there quicker than I can ride, generally; I think it takes me on an average, from the Bank to Lincoln's Inn, about 20 minutes.

1644. Walking?—Yes, walking or riding. If the streets are clear then we save five minutes or so.

1645. Does it take you 20 minutes to go from St. Paul's to Lincoln's Inn?—Certainly not; I should say it would take me a quarter of an hour walking.

1646. And how long would it take you from St. Paul's to the Embankment site?—I think that it would not take me above 10 minutes.

1647. Do you anticipate that a great thoroughfare would be made from St. Paul's, or up from the Bank; are you calculating upon the facility of a great thoroughfare from St. Paul's?—From the Bank, from the corner of the Mansion House.

1648. Then the facility you think you would have would be from St. Paul's, and you think that it would make a difference of five minutes?—No, the facility would be by the formation of the new street from the Mansion House to the Embankment at Blackfriars, and by the Embankment to the site.

1649. Then all comparisons about St. Paul's are out of the question; you would not go by St. Paul's?—No, certainly not to the Embankment site. One of the great features, in point of the City convenience, is the new street which is making from the Mansion House to the Embankment at Blackfriars.

1650. Will you make no account of the great street making the other way?—I think it is too far north.

1651. Mr. *Layard.*] I presume that that petition was signed by the City solicitors upon certain representations of the Incorporated Law Society?—It was sent round by the Incorporated Law Society, and the petition came from them; and I have no doubt that, the solicitors feeling that it came from a body that assumed to represent the profession, it would be very generally signed.

1652. But

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1652. But was not a circular sent round by the Law Institution, containing various statements as to the two sites, to all the solicitors in the kingdom?—Yes, and representations were made by the Incorporated Law Society, with which I was unable to concur.

1653. Are you aware that it has been stated to this Committee that those representations are entirely incorrect?—No, I was not aware of it; but it occurred to me that they had gone further than they should have done.

Mr. Robert Dudley Baxter, called in; and Examined.

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1654. *Chairman.*] You are, we understand, a member of the firm of Baxter, Rose & Norton, of 6, Victoria-street, Westminster?—Yes.

1655. And you have interested yourself a good deal in this question of site?—I have, of late; but for a long time we all, at Westminster, maintained silence; we really had no information, and did not know what to think about the two sites.

1656. We understand that you have now formed a decided opinion on the subject?—I think there can be no question that, for Westminster, the convenience of the Embankment site will be very much greater than that of the Carey-street site; also that, as Mr. Freshfield has said, for the other district, the City, it will be very much more convenient. Then there is a third district on the map before your Lordship, that on the southern side of the Strand, which is coloured in pink; I think that for that site also it would be very much more convenient to have the Embankment site. Then, on the other hand, there are only two districts, Nos. 4 and 5, that to the north of Lincoln's Inn, and that which I will call the Oxford-street and Regent-street district, which will, no doubt, find the Carey-street site more convenient. But I have taken the trouble to go through the Law List, and to have not only the solicitors counted in each of those districts, but the barristers counted in each of those districts, and the account stands thus: that taking the first three districts, the City, the Temples, and Westminster, as the division for which the Embankment site is most convenient, the number of barristers in that is 1,177, and of solicitors 1,718. On the other site, taking the division for which the Carey-street site is most convenient, namely, Lincoln's Inn and the Oxford-street and Regent-street district, the number of barristers is 895 and solicitors 1,442; so that there is actually, in my belief, a majority to whom the Embankment site is most convenient of 282 barristers and 276 solicitors. (*The Witness handed in the Statement*, vide *Appendix*).

1657. Mr. *Layard.*] In this comparison you have not, I observe, taken any account of the solicitors on the south side of the Thames?—Those are only the north of the Thames; but there are not a very large number to the south.

1658. But I presume that those to the south of the Thames would also find the Embankment the most convenient?—Yes. I find that the total number of solicitors in London, as near as I can obtain the number, is about 3,500. I have accounted, in the figures that I have given, for 3,160; so that that leaves a very small proportion for the rest of London.

1659. May I ask you why you put the solicitors in the Regent-street district as probably in favour of the Carey-street site?—Because I think that they would get, probably, down Long Acre, and the Oxford-street solicitors would come in from the north.

1660. But supposing that a road were made from Charing Cross to the Embankment, do you not think that then the solicitors would come that way from Regent-street?—No doubt, it would be the shortest, in point of time, for them to come through Charing Cross, then to the Embankment road, and so to the Embankment site.

1661. Are you aware that the Metropolitan Board of Works contemplate making an access from Charing Cross to the Embankment?—I know that an access was intended; I heard it was to be there, but I have no certain information on that.

1662. Therefore, some of these solicitors and barristers that you have put down here as being favourable to the Carey-street site may possibly be favourable to the other?—Yes.

1663. Is yours an agency house?—No.

1664. Are you Parliamentary agents?—Yes.

1665. Have you much to do with the Common Law Courts?—We have a great deal to do with the Common Law Courts.

1666. As regards the convenience of suitors, witnesses, and jurors, and the public in general, which of the two sites, in your opinion, would be the most convenient?—No question the Embankment site. The Common Law Courts are some of them at Westminster, close by the river, and close by us, and the remainder of them are at Guildhall in the City, in that very large district there; and if the Carey-street site is adopted, we and the City will lose immensely in convenience, in time, in expense, and in everything else, by having to go through crowded thoroughfares to Carey-street.

1667. I understand you to say that, from the result of your inquiries, taking barristers and solicitors alone, without including the public, in your opinion the majority would be in favour of the Embankment site?—Precisely so. May I also mention that the inconvenience to those solicitors and barristers, who live in the Lincoln's-Inn district to the north of the Strand, appears to me to be very much smaller, if the Embankment site is adopted, than the inconvenience to us on the south of going to Carey-street. For this reason, that Mr. Street, in his plan and statement, contemplates that it is perfectly possible to make both a tunnel and a bridge from the northern side of the Strand to the southern side, by which barristers and solicitors, and every one, will come very conveniently to the Embankment site; but it will not be possible to make similar approaches from the southern to the northern side of the Strand, if the Carey-street site is adopted. Then there is another point: the Westminster lawyers are a fixed body, because they are there for local reasons, clustering round Parliament. The City solicitors are a fixed body, because they are there for local reasons, obliging them to live close round the banks and the great houses of business. But the lawyers that live to the north in the Lincoln's-Inn district are not a fixed body,

body, but merely, if I may express it so, hangers-on of the Court; and the consequence is that if you adopt the Embankment site, they will creep downwards, and not stay where they are. It seems to me much more sensible to fix the really good site for the public (and also, I may say, for the majority of the profession), and let them come down to it, than to bring the site to those who are mere temporary lodgers there.

1668. I think that when a deputation waited upon the Chancellor of the Exchequer, the head of your firm, Mr. Baxter, a gentleman of very great experience, was a member of it?—Yes, he was; he would have been here, but he has been called into Wales.

1669. He is in favour of the Embankment site?—Yes.

1670. Mr. *Mowbray.*] Your comparisons are based upon the existing state of things?—They are.

1671. But do you think it probable that if the courts were erected on Howard-street, Norfolk-street, Surrey-street, and Arundel-street, would become full of solicitors' offices?—I think that the district close to the Strand on both sides would become much fuller of solicitors' offices than it is at present, and that the convenience of the profession would in a very short time be overwhelmingly in favour of the Embankment site.

1672. Is there any reason why the equity barristers should be concentrated in Lincoln's Inn, rather than in the Temple?—At present there is.

1673. But if the courts were removed southwards, a barrister now practising in Lincoln's Inn, might move his chambers to the Temple?—Yes. At present I believe the two divisions of barristers are very curiously marked, the Common Law barristers being to the south of the Strand, so as to get to Westminster easily, and the equity barristers and conveyancers being to the north of the Strand.

1674. Do you think that a large proportion of the solicitors in Bedford-row, and other localities north of Holborn, would be induced to move to Carey-street, or other streets near the Embankment, if the Howard-street site were adopted?—If buildings for their accommodation were erected there, as I understand from Mr. Hunt's report is already in contemplation.

1675. You think it possible that that site would operate by those buildings to induce them to settle there?—I think so; and it would be a paying speculation.

1676. Lord *John Manners.*] You have told us that you take the solicitors who live in the three districts, the City, the Temple, and Westminster, as being in favour of the Embankment site?—I say that it is more convenient to them; I do not know how far, at present, they appreciate that convenience.

1677. We can test that perhaps by some figures; can you tell us how many solicitors do live in the City district?—Yes, 1,270 nearly (these numbers are approximate, but as nearly accurate as can be).

1678. In the comparison which you have given in to the Committee, you take those 1,270 as being ranked on the side of the Embankment site?—As their convenience being on the side of the Embankment site.

1679. You place them on the side of the Embankment site?—I do.

1680. Can you tell us, out of those 1,270, how many have expressed an opinion in favour of the Embankment site?—No, I have not the number; but I can give a very good reason why more have not done so. In the first place, because there has been no canvass for the Embankment as there has been for the other site. In the second place, because the Law Institution, with its overwhelming influence, has taken up the cause on the other side; and, in the third place, because solicitors are so much overwhelmed with business, as the French say, so *très affairés*, that they do not think for themselves on the subject, but follow the lead of some one else, and that some one else is, in ordinary matters, the Law Institution.

1681. We know that, so far as your information goes, the solicitors in the City district have not pronounced themselves to any appreciable extent in favour of the Embankment site?—That may be so, I daresay.

1682. Can you tell how many of the City solicitors have expressed themselves in favour of the Carey-street site?—No, I cannot; but still numbers of signatures were obtained to that petition by representations which were not, as I understand, altogether accurate.

1683. You have told us that probably a great number of the City solicitors who have signed the petition in favour of the Carey-street site, have done so owing to the overwhelming influence of the Incorporated Law Society?—That is so, I believe.

1684. Will you tell me how it is that the Incorporated Law Society has acquired this preponderating influence over the profession?—Because they are the organised head of the profession.

1685. And, probably, they would not be the organised head of the profession if they did not fairly represent the profession?—On ordinary subjects, certainly, they fairly represent the profession; but on this subject, if I may speak without disrespect to them, I think that they are warped by their own private and peculiar interests. The Law Society committee is composed of gentlemen of great reputation, but belonging to the elder portion of the profession. They naturally cling to their own locality, and to their old associations, and therefore go for the Lincoln's-inn site.

1686. Then, of the 1,270 who live in the City, you cannot give us any reliable information as to the number who are in favour of the Embankment site?—No, I cannot.

1687. With respect to the south of the Thames, you have said, in general terms, that comparatively few solicitors are to be found in the south?—I believe so; they are very scattered.

1688. Can you tell me how many there are?—I should think not more than 200 or 250; but that is a mere guess, because I did not think of looking for the numbers accurately.

1689. With respect to the London solicitors who represent country firms, can you give us any statistics to show how they are divided in districts?—No doubt the great majority of agency houses are in the Lincoln's-inn district.

1690. And they, you have told us, are in favour of the Carey-street site?—Certainly.

1691. That is to say, the great body of the country business represented by London firms is in favour of the Carey-street site?—That is so at present, because those country firms happen to be represented by gentlemen to whom the

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Carey-street site is an advantage. That may not be the case a few years hence.

1692. But at present that is so?—At present it is so.

1693. With respect to the crowded thoroughfares to Carey-street, I think you said that if Carey-street is adopted as the site, all the professional gentlemen who live in the Westminster district will have to make their way through crowded thoroughfares to Carey-street?—Yes.

1694. How would they go to Carey-street from, take your own place of business?—I should go up the Strand.

1695. When the railway is opened along the Embankment, if you were in a hurry, would you go along the Strand or by the railway?—There would be inconveniences in going by the railway in that case, because you would be turned out at the station with, perhaps, not a cab at hand, and would have to get across the very crowded thoroughfare of the Strand, and no doubt the most convenient way in such a case would be to charter a cab at one's own door, and go through the Strand straight to the Carey-street site.

1696. Take the new carriage communication that, we have heard from a previous witness, there will be along the Embankment, and across the Strand to Carey-street, would you think that a less convenient access to Carey-street than going up the Strand?—You would get into the Strand in a very crowded part; it would come to much the same thing; the crowded part of the Strand is when you get near Carey-street.

1697. Is there not at times considerable inconvenience felt now opposite to Messrs. Drummond's bank?—No doubt.

1698. Do you not look to the proposed Embankment carriage-way as a great means of access from your part of Westminster and the City to the Strand?—No doubt it will be; just like the railway.

1699. With respect to the inconvenience of all professional gentlemen who live to the north of the Strand, if the Howard-street site is adopted, you tell the Committee that you think that would be very much mitigated, if not altogether removed, by Mr. Street's plan of a tunnel and a bridge across the Strand?—Yes.

1700. Supposing that the Government do not agree to purchase the northern end of Essex-street, how can that bridge or tunnel be made?—That is a question that I have not gone into. I have taken that upon Mr. Street's affirmation.

1701. But, on the assumption that neither the tunnel nor the bridge will be made, what, then, would be your opinion of the position of the great mass of professional gentlemen who live to the north of the Strand, if the Howard-street site were adopted?—Then the inconvenience to them of coming across the crowded thoroughfare of the Strand to the south would not be so great as the inconvenience to the Westminster and City solicitors, and the solicitors on the south of the Strand, in the Temple district, of going to the north.

1702. Will you explain how that is?—Because they have merely to go out of their own offices and find their way out of Lincoln's Inn across the road, a short distance. We, on the other hand, at Westminster, would have to take cabs, and to thread our way through the crowded thoroughfare; and the City people would have to do the same; to take cabs, and to thread their way through crowded thoroughfares; whereas that would be entirely obviated if we could get down either by cab, or by the road to the new Embankment site, or by railway.

1703. What would be the inconvenience of gentlemen residing in the Temple having to cross by a bridge at the narrow part of the Strand to Carey-street, compared with the inconvenience of gentlemen living in Bedford-row or Lincoln's Inn having to cross by Mr. Street's bridge across the Strand?—They would be pretty nearly balanced, one against the other, I will allow.

1704. And if no bridge were erected in either case, which set of professional gentlemen would have to undergo greater inconvenience; those who live north of the Strand having to cross the wide part of the Strand, or those who live in the Temple having to cross the narrow part of the Strand?—I think very much the same.

1705. In answer to a question from Mr. Mowbray, I think you said that the professional gentlemen who now live in Lincoln's Inn, if the Howard-street site were adopted, would come down and live in the Temple?—No; but they would gravitate towards the Temple. I think my phrase was, that they would creep towards the south.

1706. I understand you to say that there was no reason why the equity barrister should not leave Lincoln's Inn and live in the Temple?—I do not think that there would be room for them all in the Temple.

1707. That is the point that I want to come to; can the Temple accommodate the equity barristers who now live in Lincoln's Inn, and the common law barristers who now live in the Temple, as well?—I recollect now the phrase that your Lordship refers to; my meaning was, that whereas, at present, so many common law barristers live in the Temple, then there would be no reason for that distinction, but that the equity barristers might, in their migration southward some of them, settle in the Temple, and some of them on one side.

1708. Earl *Grosvenor.*] Supposing that the Carey-street site was available for building purposes, they would come down and fill up that space and live on the Carey-street site, you think?—I think they would.

1709. Mr. *Goldney.*] Do you agree with the view that the people who carry on the business of the courts, that is, solicitors and barristers, are more to be considered in this case than the general public?—Not entirely.

1710. Do you think that they are to be considered first, or that the general public are to be considered first?—The general public should be considered first.

1711. Then the question of the convenience of barristers and solicitors is only an ingredient, not the main element, in the question?—I think that my calculation shows that it will be for the convenience of the majority of the barristers and solicitors also to adopt the Embankment site.

1712. But the general public are the first to be considered, you think?—Yes.

1713. Have you made any calculations as regards the general public?—No; but I take it on the broad ground that you have in the Embankment site a site surrounded by four roads. First of all you have the Strand, which is common to the two

two sites, and next you have three roads; you have the road, the railway, and the river. If I may so phrase it, they are the three R's of the legal site question. Those three roads are totally wanting to the other site. When you come to the Carey-street site, you have simply that one bad road which is common to it and to the other site, and then at the back of it you have a perfect block. There can be no question in point of convenience to the public between the two things. In the one case it would be like setting down a station a mile or two off the London and North Western Railway, instead of on the railway itself.

1714. As regards the public, you said that they had great advantages in the courts being held at Westminster and Guildhall; do you think that is an advantage for the public to have any concentration of the courts?—I doubt it, as regards Westminster and Guildhall; because I find the City solicitors to whom I talk, remonstrate very strongly against taking City men away from Guildhall to Westminster; but as regards the rest of the public, I agree with you that the concentration would be an advantage to them.

1715. In speaking of the public at Westminster and Guildhall, you take the solicitors as the public, and think that they would be disadvantaged by the concentration?—I think that by the concentration the City public and the City solicitors would be put under a disadvantage by the trials being removed from Guildhall, but that is an exception to the general rule.

1716. But your view is that either site will be a disadvantage to the public living in the City and to the public living in Westminster?—The Embankment site would be a very small disadvantage to the public living in Westminster, because the access to it is very easy, and if you are to withdraw the trials from Guildhall, you ought, in justice to the City, to that very large, wealthy, and business-occupied mass of people in the City, to put them at the place which they can approach with the greatest celerity.

1717. Either site would be a disadvantage to the City and Westminster, but Carey-street would be a very great disadvantage?—To the City and to Westminster it would be a qualified to have the courts moved to the Embankment site.

1718. You say that the portion of solicitors in Lincoln's Inn would naturally creep on to the courts if they were placed on the Embankment site?—Yes.

1719. How was it that they did not do so when the equity courts were held at Westminster?—No doubt there has been a migration to the courts at Westminster.

1720. How can you explain their having removed the equity courts from Westminster, on the ground that it was more convenient to the solicitors of Lincoln's Inn that they should not be held at Westminster?—No doubt it would be an advantage to the equity courts to be concentrated at some point, whether at Lincoln's Inn or the Embankment.

1721. How was it that the solicitors in Lincoln's Inn brought the courts back to them from Westminster?—I am not aware of the circumstances of that case.

1722. Are you old enough to remember when the equity courts were held during term time at Westminster?—I was not resident in London then.

1723. You know that that was so, as a fact?—Yes.

1724. And you know the fact, that they are now held at Lincoln's Inn?—Yes.

1725. How do you make that coincide with your view that the solicitors would creep after the courts?—I have not taken it on that instance. There were local reasons at that time why they did not creep on to the courts; because Westminster was a very long way from Lincoln's Inn; but when you have a removal a very short distance, and a great deal of vacant ground available for building, which may be made into offices, I think it is almost certain that the vacant ground will be occupied by new offices, and that the solicitors will move themselves down by natural gravitation.

1726. Wholly irrespective of the facts as regards Westminster?—I think that the facts are not parallel.

1727. You say that you have made calculations as to the solicitors whom the Embankment site would suit best; have you heard the views of those 1,718?—I have talked to a great many solicitors.

1728. And have they adopted your views?—Yes.

1729. How long have you begun to think for the solicitors?—I do not think that the question was brought before me till a month ago.

1730. Up to that time they thought for themselves, perhaps?—I think that in our part we were in happy ignorance of everything that was going on.

1731. But nearly 2,000 solicitors have signed a petition in favour of the Carey-street site?—Not London solicitors, I think.

1732. How many City solicitors have signed out of those 1,100?—I have not the figures.

1733. Shall we say 500?—I will take it from you if it is so.

1734. And then we may take 635 the other side of Wellington-street in addition?—Yes.

1735. It would make together upwards of 1,200; do not you think that they will exercise their own professional opinion?— No; I agree with Mr. Freshfield that they signed from very diverse motives; first, because the Law Institution asked them, and secondly, because they thought that they had better get something somewhere.

1736. Are you a member of the Law Institution yourself?—No, I am not, but other members of my firm are.

1737. Do you know that there are a great many City solicitors, leading men, who are on the Council?—I dare say, but I have not examined it to ascertain that.

1738. Take Mr. Lawrence as a leading bankruptcy solicitor, he is on the Council?—Yes.

1739. Take Messrs. Young & Maples, that is a large City firm; they have both signed?—Yes.

1740. Do not the Law Society publish a report every year?—Not being a member, I have not received it.

1741. Whom do you represent beyond the four solicitors who attended the Chancellor of the Exchequer?—I am speaking now for myself and my own firm, and those gentlemen to whom I have talked.

1742. There has been no public meeting adopting your view of the solicitors that you know of, has there?—No public meeting beyond the deputation.

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1743. Whom do you represent beyond the four solicitors that waited upon the Chancellor of the Exchequer?—There were a very large number of solicitors that waited upon him.

1744. What do you mean by a large number?—There were 20 or 30 gentlemen present; there may have been firms represented there containing 120 or 130 solicitors.

1745. There are large firms which both carry on Parliamentary business at Westminster, and carry on the general business of law in other parts of the town?—Yes.

1746. And they have offices in both places?—Yes.

1747. Do you know what the views of those people are?—Well, I talked to one gentleman (a gentleman of very great influence) who has an office of that kind, yesterday, and he said that he had signed the petition that was sent by the Law Society, but that he really did not care anything about it.

1748. But your view is, as I took it before, that the convenience of the professional men is not to be the ruling question in the choice of the site, but the convenience of the public?—The public first, and the interest of the profession afterwards.

1749. You do not think that interest of the public is merged in the professional men being in the vicinity of the Court; I am putting it as a question of access at the present moment; do you think that the advantage to the public is to have a free, easy access to the Court, or that the advantage to the public is that the solicitors who transacts the business should be residing in the immediate vicinity of the Courts?—I think that it is of the first importance that the public should have the most undoubted facility of access; and it is also of importance, but of minor importance, that the profession should have the greatest facility of access; but my opinion is that, as regards the Embankment site, the advantages of both are concurrent.

1750. What are your grounds for making it of second importance that the professional men should have facility of access; is it because they carry on the business of the public?—Yes.

1751. Is the public business carried on more by professional men, or more by people who attend as jurymen and witnesses?—It is carried on by both.

1752. You say, as I understand you, that you think the access of the general public is first to be considered?—Yes.

1753. Is the advantage of the public greater or less by the very access of non-professional men, or of professional men?—I do not think that you can take it in that way; I think they are both concurrent advantages. May I also state, that I think that one position of the Law Society, of which a great deal has been made, presents an erroneous impression. They put the question as regards solicitors thus: "There are rather more than 10,000 solicitors; of these nearly 6,000 have either their own offices or those of their town agents in this legal district; and of this number the offices of more than 5,000 are on the north side of the Strand"; leading to the impression that 5,000 solicitors are to be considered as on the north side of the Strand, and that therefore there is a very enormous preponderance of convenience there. But they forget that those 5,000 solicitors are represented by only 1,234 gentlemen actually residing there, and that the balance of the 5,000, say 3,800, are not London solicitors, or people having a great deal of business in London, but only people who have a small fraction of their business in London. I have myself practised for seven or eight years in a large firm in the country, and therefore I know what the country requirements are, and I know that the portion of business that we sent up to our London agent was but a very small proportion indeed of our business, and the business which would have gone to the Courts if we had been living in London. You can only count five country solicitors, say, as equivalent to one London solicitor in point of convenience, as regards the convenience of these Courts; and therefore I say that that is a misleading numerical calculation.

1754. Have you any notion what the proportion of the causes being tried at one time are sent from London or from the country generally?—No, I have not those statistics; they can be obtained; but the county courts have taken off a great deal of business that used to come to London, and therefore the agency business is not now of that importance to the profession that it used to be; I should say, not now of half the importance to the profession that it was 20 years ago.

1755. Would you say that one-third of the causes tried are country cases?—I have no figures on that point; I will take it, if you say so; I have no means of knowing that, as I have not gone into the figures.

1756. I thought you put it that five solicitors in the country would only represent one in London?—No; that a solicitor living in London would have more to do with the Courts in London than five solicitors living in the country.

1757. How do you arrive at that if you do not know the relative number of causes tried?—I only take it on my own experience, from living in the country and in London.

1758. The relative proportion, if it can be got at, would test it?—Yes, I believe it would.

1759. Mr. *Torrens.*] Putting aside various classes of the profession, whose convenience it is desirable to meet, who constitute chiefly the public that are interested in having access to the Courts?—There are a very large number of business men who are very much engaged, and they have to attend as jurymen and as witnesses, and, therefore, it is of very great importance to them to be able to go quickly to one place and get back quickly.

1760. By "the public" you mean, in fact, the jurymen and the witnesses?—The jurymen and the witnesses.

1761. I presume that the jurymen and the witnesses may be taken as coming indiscriminately from all quarters, and not preferentially from any one or two?—Yes, from all quarters of London, but, naturally, more come from those parts of London which are the most engaged in business, and therefore the most involved in litigation, necessarily.

1762. By that you mean to indicate what district; the City?—The City and the whole of the mercantile part of London; the south of London, as well, would come in on that ground.

1763. Did I understand you correctly as intimating that the course of business had led a portion of the profession to migrate generally towards Westminster?—I think that a nucleus has grown up round Westminster which is larger now than it was several years ago.

1764. What

1764. What class of the profession chiefly have their offices in Westminster?—Those engaged in railways and Parliamentary work, and to a limited extent in common law.

1765. Are there any of the great equity houses in Westminster?—No.

1766. Nor of the general common-law houses, I suppose?—Not what you call general common-law houses, but houses that have a great deal of common-law business. For instance, my own house has a great deal of common-law business; but if we were put under the disadvantage of the Carey-street site, we, no doubt, should lose part of that business, because we could not attend to it; the same staff that now attends to it would not be able to attend to it then.

1767. Do you think that the sitting of the common-law courts in Westminster Hall tends to bring common-law solicitors to Westminster?—I think that it has some tendency in that way.

1768. And yet what proportion of the common-law profession do you think reside at Westminster?—There is not a large number; but you must remember that the common-law business is only a small portion of the business of a solicitor. His locality is determined by the great mass of his business, which may be conveyancing or commercial matters; and he will not migrate simply because a little part of it may be more conveniently transacted at Westminster.

1769. Then I understand you to say that the sitting of the Courts at Westminster has not brought any great proportion of the common-law practitioners there?—No; but I may give an illustration in point, and that is, that the great firms in the City that have to do with Parliamentary business, have opened offices at Westminster within the last few years, and no doubt they use those offices for their common-law business when it is at Westminster.

1770. On the other hand, you are aware, though it is not within your own personal experience, that the tendency has been to drive the Equity Courts to the business dwellings of the equity practitioners?—Yes.

1771. As distinguished from mere proceedings at common law and equity, take a different class of solicitors, the large houses that have a great conveyancing business; where are they chiefly located?—I think that they live a great deal in Lincoln's Inn, because they are near the barristers there.

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1772. What proportion of that class do you think live out of Lincoln's Inn?—I have no data for that, it is so difficult to say when a man is a conveyancing solicitor and when he is not. You can tell it in the case of the barristers, because it is put down in the red book, but it is not in the case of solicitors.

1773. It is within your knowledge that it is of immense advantage to have the two branches of the conveyancing profession contiguous, that is to say, that the equity draughtsman finds it convenient to be near the person who gives him business as a solicitor, and *vice versâ*?—Yes.

1774. I presume it is also within your cognisance that for the purposes of conveyancing and drafting of all kinds, and everything connected with titles, it is often a great advantage, if not always so, to be near the offices of the Courts for references of all kinds?—Yes.

1775. Therefore, for general purposes of concentration, it would be essential that the Courts and their offices should be not only contiguous, but, as far as possible, identified in site?—No doubt the nearer they are the better.

1776. And both should be identified with the business dwellings of the profession of all kinds?—Yes. But, perhaps, I may now show you the Law Society's plan, which is not altogether accurate in point of measurement; but I have had the barristers' dwellings coloured separately. The barristers are shown by those parts in green, and the solicitors are shown in dark building. Those are not entirely solicitors, but they are in the main solicitors. The barristers here, to the north of the Strand, are smaller in mass than those to the south of the Strand. The numbers are 1,100 to the south of the Strand, and only 800 in this block (*pointing to it*), so that the general convenience of the barristers is very strongly in favour of the Embankment site.

1777. Lord *John Manners.*] Are there no barristers in Gray's Inn?—Yes, that (*pointing to the plan*) should have been coloured; but I think it was mentioned that they are migrating down here (*pointing to the plan*). They are principally solicitors up there.

Mr. Henry Trelawny Boodle, called in; and Examined.

1778. *Chairman.*] I think you act as Solicitor and agent for Lord Westminster?—I do.

Mr. *H. T. Boodle.*

1779. Where is your place of business?—It is No. 53, Davies-street, Berkeley-square; the Oxford-street end of Davies-street.

1780. Then we may take you as a representative, as far as your profession is concerned, of that part which locates itself at the West End?—I have not communicated on this subject with any solicitors in that neighbourhood, so I am not in a condition to speak for them.

1781. We understand that you have formed an opinion as to the best site for these Law Courts?—I have.

1782. Will you kindly state what it is?—I am certainly in favour of the Thames Embankment rather than the Carey-street site, because I think that generally for the public, and for judges and jurors, it would be much more convenient. As to the convenience of the legal profession, I will speak presently. And also I take a great interest in the improvement of London, and I think that architecturally that would be the better site, though it would be presumptuous in me, perhaps, to express any opinion upon that point. But I think that for light and air it would be very much better for the Law Courts to be on the Embankment site; and certainly for the general public, and judges, jurors, and witnesses.

1783. You are rather looking at it probably in the point of view of those who come from Westminster?—Yes. I also think that as regards the profession, the subject may be divided in this way. The barristers connected with the Chancery Courts are naturally located in Lincoln's Inn and that district, and those connected with the common law courts are located in the Temple. I have not gone into the figures of their numbers,

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but I should think that they are pretty equally divided. So far as the barristers are concerned, I should think that their numbers would be equally divided. No doubt, for the common law barristers it would be more convenieut to have the Embankment site, and for the Chancery barristers it would be more convenient to have the Carey-street site, because those sites are near their respective chambers. There are also other barristers called chamber counsel, who are not connected with the courts, and have nothing to do with the courts. In Lincoln's Inn these attend to conveyancing business, and in the Temple they are pleaders. They do not go into court at all, and so we may put them aside, I think, as not necessarily inconvenienced or convenienced either way. I think that, as far as the barristers are concerned, one site would be practically as convenient as the other, because the common law barristers are pretty well equal in number, I should think, to the Chancery barristers. Then, regarding the solicitors, I have not gone into the statistics as to the number of solicitors in London, but Mr. Baxter has already stated that he has gone into the number, and he finds that, excluding those who live in the Lincoln's Inn district (which, I take it, includes all Lincoln's Inn, Lincoln's Inn-fields, and Bedford-row, and the rest of the district called the legal district, as defined by the Council of the Incorporated Law Society), and for whom Carey-street would be the most convenient; the others are a majority to the extent of 300 or 400, I think, in his opinion. I was not aware that the solicitors in the City and the West End and Westminster, were so numerous, but I have no doubt that he is accurate, because he says that he has carefully studied the Law List on the subject.

1784. Upon that subject you have no knowledge of your own?—I have no knowledge of my own as to the numbers.

1785. Mr. *Layard.*] I understand that when the Incorporated Law Society sent round a circular calling upon the profession to oppose the Embankment scheme, you entered a protest against that circular?—The council, through the president, wrote me a letter, of which I have a copy here, a lithograph letter, which is signed by Mr. Bolton, the then president of the society. He says at the end, "I beg to suggest to you, as one who takes an interest in this matter, that you should at once communicate with all those Members of the House of Commons with whom you have personal influence, urging them to support Sir Roundell Palmer in his opposition to the Bill." I rather objected to that letter, and it assumed that the members of the society to whom it was sent took interest in the matter, notwithstanding which the council had gone to the extent of attending as a deputation to the Government, and presenting a memorial without having called a meeting to get authority from the members to do anything of the kind. I thought it a wrong course for them to have pursued. Therefore I wrote this reply on 25th May: "New Law Courts. Dear sir,—I have, within the last two or three days, received your circular letter, dated the 12th May, suggesting to me to 'communicate with all those Members of the House of Commons with whom I have personal influence, urging them to support Sir Roundell Palmer in his opposition to the Bill,' introduced by the First Commissioner of Works for a change of site from Carey-street to the Thames Embankment. I regret that I must decline to accede to your request, as my views do not coincide with those of the council of the Incorporated Law Society as to the site. I take this opportunity (as a member of the society) of mentioning that it appears to me that, in a question of national importance, such as this, the council of the society would have done well to have called a general meeting of members to discuss the subject before they took the active steps which they have taken to show their preference on behalf of the society, for the Carey-street site: long ago, the council attended as a deputation upon the Government, and presented a memorial against the Embankment site, without any consultation with the members generally, and the only communication which they make with the members is the issue of the circular which I have just received from you, and which assumes that the members to whom it is addressed take their opinions from the council. By the course which they have adopted, the council render it necessary for members of the society who differ from them to take independent action in opposition to the action of the council." The secretary of the society acknowledged the receipt of my letter.

1786. Lord *John Manners.*] How long, may I ask, have you been a member of the Law Society?—I think I was admitted a member of the Law Society a year or two after I became a solicitor. I was admitted a solicitor in 1856. I have been nearly 13 years a solicitor.

1787. In that letter you complain that the Law Society took that course of action without calling their members together to deliberate upon it?—Yes, just so. I thought that the council were elected for general purposes, but that when a question of national importance arose, they ought not to have taken action without specially consulting their constituents.

1788. Is there an annual meeting of the society?—Yes, it happens to-day.

1789. Have you ever attended one?—Yes.

1790. Did you attend the last one?—No, I think not.

1791. Or the one before it?—I forget.

1792. Are you aware that at the annual meeting this question of the site has been formally discussed?—I never heard of it being discussed; not the Embankment site.

1793. Did you read the report of last year?—I may have read it cursorily.

1794. Are you aware that in that report there is a distinct reference to the revival of the scheme for the Law Courts?—I was not aware of it then.

1795. At any of the meetings that you attended did you ever hear a dissentient voice to placing the courts on the Carey-street site?—I do not think that the subject has been discussed at any meeting I have been present at.

1796. Were you present at a special general meeting of the society in last February?—I think not.

1797. Then you are not able to tell the Committee what occurred at the special general meeting on the subject of the site of the Law Courts?—I am not. My office is a considerable distance from the Law Institution, and I do not always attend. The meeting in February was not convened as to the Law Courts, neither has there been any meeting called on that subject, I believe.

1798. Mr.

1798. Mr. *Goldney.*] Have you any practice in courts at all?—I have. I have nearly always something going on, both in the courts of common law and in the Court of Chancery.

1799. How many clerks of yours attend those courts daily?—My clerks do not attend daily. I have one clerk who has something to do pretty nearly every day, either in the courts or offices of common law or in those of Chancery; also several clerks engaged in conveyancing business.

1800. And that is the extent of your business in court?—Yes, I have not very much court business.

1801. But you know that there are some offices which keep a great number of clerks, who attend to these matters?—Yes.

1802. Do you know any office that keeps 40 clerks, who attend entirely to common law and Chancery work?—I do not know of any, but I dare say there are agency houses that keep that number.

1803. You say that the matter that influences your opinion is the facility of access for jurymen and witnesses?—I do not put it quite in that light. I say that, independently of architectural advantages, and light and air, the Embankment site would be the most convenient for the general public, and for judges, jurors, and witnesses; and that, so far as the barristers are concerned, I think the convenience of access is about equally divided between the two sites. I may be wrong in saying that the common-law barristers are equal to the Chancery barristers in number; but assuming that to be so, I think that the convenience of site for the bar is equally divided. Then, as regards the other professional men, I think that Mr. Baxter's statement is probably correct.

1804. Do you think that the public or the profession, taking the public as contradistinguished from the profession, are to be considered first on the question of the site?—I do not agree with Mr. Baxter, that the public (laymen, not lawyers) ought to be considered first, before the profession; but I do not think that the interests even of the profession ought to be so far considered as to over-ride any very great advantages to the public, if, by a little sacrifice on the part of the profession, the public interest could be better consulted.

1805. What part of the public is it that you are interested about, or that ought to be considered on the question of site?—Certainly the judges ought to be considered, and the jurymen and witnesses; and I think that in a country like this it is very important that the public should have free access to the courts, and not be excluded by an inconvenient approach, or otherwise.

1806. Do not you think that the interests of the profession ought to be considered, as representing the public?—I think the interests of the profession ought to be considered certainly, but not so far as to shut out the interests of the public.

1807. Is it not the interest of the public to have their business transacted near where their professional advisers live?—To a certain extent it is.

1808. Is it not the interest of the public and not the professional men themselves?—I think that the professional charges would be the same.

1809. What is your view then of the object of the concentration of the courts?—I think that it would be a very great advantage to concentrate the courts; because it is very inconvenient for a man for common-law business to have to go to one place, and for Chancery business to another place at a distance.

1810. Do you think that it is the convenience or the inconvenience of the professional man that has necessitated the concentration of the courts?—Yes, I think so.

1811. Solely?—Perhaps not solely; there have been Acts of Parliament passed with a view to amalgamating law and equity, and there is a great tendency to that in our jurisprudence.

1812. Did it ever enter into your head that it was the facility of business that was the object?—No doubt that was a primary object.

1813. And accelerating the decision of causes?—No doubt.

1814. And would that be the effect of the courts being concentrated?—I do not think that that would necessarily be the effect, under our present system, so much as might be expected, because the same sets of counsel and managing clerks who attend to a common-law case do not generally attend to a Chancery case.

1815. But have you not ever considered that a barrister would be able to carry on his business with much greater facility if the courts were near his chambers instead of one court being at Westminster and the other at Lincoln's Inn?—So far as the court he attends is concerned, it would be so, no doubt.

1816. He does not see his clients when he is at Westminster?—No, not generally.

1817. And if he is an equity barrister he does not withdraw his attendance when sitting in court; he has to do it at chambers?—Yes.

1818. Have you ever read any evidence as regards the object of these courts being concentrated?—I think I have read of it partly in the Report of the Jurisprudence Commission, and I have seen public discussions on the subject.

1819. But you do not now think that the convenience of professional men has brought about that?—I think that the primary object of the concentration of the courts has been the convenience of the profession, and the facility of business.

1820. So far as regards the convenience of the offices, do you know how many offices there are attached to the courts?—The answer to this depends upon what you mean by offices.

1821. I mean in the proposed concentration of the courts, the offices are to be attached to the courts; do you know that there are 50 offices connected with the courts?—I did not know that there were 50.

1822. Forty, say; do you know that?—It would require considerable time to calculate the number.

1823. Whatever number of offices there are there are no jurymen or witnesses to go there?—Not to the offices.

1824. The clerks or solicitors go there?—Yes.

1825. Is it a convenience to the public that those offices should be near the solicitor's professional residences?—Yes.

1826. It saves a great quantity of time?—Yes.

1827. And the time saved to the solicitor the client gets the advantage of?—I am not certain of that; I do not know that the professional charges would be altered.

1828. Is it only as a question of professional charges that you put the advantage to the client;

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is it not a question of delay also?—I do not know that there is any complaint of the delay of business now; there used to be.

1829. Is it not the object of the client to get the ultimate decree in the suit as soon as possible?—No doubt.

1830. Has he any interest in the meantime?—No; but I think that the delay in court business is caused, if there be a delay, by there not being perhaps a sufficient number of judges to take the cases, and not by the distances of the solicitor's offices from the courts.

1831. Have you ever been at the Examiner's offices in Chancery?—I have.

1832. It is necessary that counsel, on each side, or that solicitors, on each side, should attend?—Yes.

1833. Have you ever known appointments there postponed because the solicitor, or the counsel, were engaged in court?—No doubt that sometimes happens.

1834. Have you ever known, on account of that, causes to be thrown over the vacation?—No, but I could easily imagine that it might be so.

1835. Have you any idea of what the money in litigation is, taking the Court of Chancery alone?—No.

1836. Would it amount to 400,000,000 *l.*?—I really cannot say.

1837. Would that be beyond your idea?—I cannot form any opinion on that point.

1838. Do you think this, that the facility of Chancery causes being determined a month earlier, would amount as a question of interest to an appreciable sum?—No doubt it is a very great object to get causes through as quickly as possible.

1839. Do not you think that the concentration of the offices, with the courts, would tend to that?—Yes; I think that the more they are concentrated the better business would be got through.

1840. Would it be of any benefit to concentrate them near where the professional men reside?—It would be a benefit no doubt. It would facilitate my own business if the courts and offices were just outside my office.

1841. And if it would facilitate your business to have the courts just outside your office, it would facilitate the business of the men in Lincoln's Inn to have the courts just outside their offices?—No doubt.

1842. Is there any other mass of solicitors whose business would be facilitated so much as those who live in the neighbourhood of Lincoln's Inn?—There is no one area of London, of the same size, where so many lawyers are congregated as in Lincoln's Inn, Lincoln's Inn-fields, and Bedford-row.

1843. You say that the charges would be the same, but do you not think that the benefit is not to the solicitors, but to the public whom they represent?—The benefit of concentration would be to the solicitors and to the public also.

1844. Therefore if the courts and offices are brought near them, the public get the benefit?—If you could bring the courts and offices so absolutely near to where all the solicitors are congregated as that they can go in at any moment to transact their business, of course it would make a considerable difference to the public in the transaction of business.

1845. It might get the causes terminated quicker?—No doubt.

1846. And that is the advantage that the public seek?—To get their causes expeditiously settled.

1847. There is no end that a client has, except the ultimate result when he is to get his money?—That is so.

1848. In your business is money often paid into court which you often want to get out?—I have chiefly guardianship suits, and suits relating to management of property, and so on.

1849. Where you want to get money out?—No, very seldom; there are cases of that kind.

1850. Then your business is more of an amicable business?—My business is such court business as arises out of conveyancing chiefly; conveyancing being the chief part of our business.

1851. Do not you ever pay money into court?—Yes, sometimes.

1852. And apply to get it out afterwards?—Yes.

1853. Would not the fact of having the courts concentrated accelerate that?—Yes.

Mr. Henry Warwick Cole, Q.C., called in; and Examined.

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1854. *Chairman.*] You are a Queen's Counsel and a Chancery Barrister?—Yes.

1855. And your offices are in the Temple?—I am a Bencher of the Inner Temple, but my chambers are in Lincoln's Inn.

1856. Have you formed an opinion upon the question of the best site for the New Courts?—Yes, I have considered the question, as I think most gentlemen of the legal profession have.

1857. And you have come to a decided opinion upon it?—I have come to the opinion that, upon the whole, I prefer the Embankment site; though I should be perfectly satisfied with the Serle-street site, provided that the country is willing to go to the expenditure necessary for the construction of proper approaches.

1858. But assuming that the question is not between the enlarged Carey-street site, but between the more limited plan which we understand to be at present before us and the Embankment site, you think that the Embankment site is preferable?—In my opinion the Embankment site is preferable to the public; but it would be inconvenient, in some respects, to a portion of the legal profession.

1859. I suppose that portion is those living north of the Strand, and especially about Lincoln's Inn?—Yes, I would divide the legal profession, in relation to this topic, into the solicitors practising in the courts and the bar. I will take first the case of the solicitors. A very great outcry, if I may use so strong an expression, has been made as to the injury that would result to the solicitors if the courts of equity and the courts of common law, instead of being brought under one roof on the Serle-street site, should be brought under one roof on the Embankment site; and it said, with great truth, that a very large proportion of the solicitors who practice in the courts of law and equity live in offices immediately adjacent to Lincoln's Inn. They live in Lincoln's Inn-fields, in Bedford-row, in John-street,

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street, Bedford-row, and other places; and it is said that it would be a great injury to them if the Embankment site were selected. Well, I have considered that subject, and I think that the representation so made is very much exaggerated, and if the Committee wish it, I will explain why. In the first place I believe that the Embankment site would be a preferable site to all solicitors who live in the City of London, and very large and important firms of solicitors live in the City of London; and although the City of London is at a considerable distance from the courts of equity in Lincoln's Inn, we find that when their business is on there they attend with as much regularity as the solicitors who have offices in Lincoln's Inn-fields, or within the limits of Lincoln's Inn itself. The City solicitors would have easy access by steamboats, by the Metropolitan Railway, and by the Embankment road, which will go from the Mansion House, as I understand, to the Embankment site. They would thus have superior facilities in attending court, if the courts were on the Embankment site, than they would have if the courts were put on the Serle-street site, because, practically, their only mode of arriving at the courts on the Serle-street site would be along Fleet-street and through the Strand. There is another mode by which they might go, which is along Holborn, which would bring them to the north; but then, as the Committee are quite aware, there is no good communication at present from Holborn into Lincoln's Inn-fields. Even then it would be a round-about way to go by Holborn, and it would be necessary to incur expense in opening a communication into Lincoln's Inn-fields, which would be attended afterwards with this great disadvantage, that ultimately all the traffic going to the courts, and coming from them, would have to pass through Serle-street, which is a very narrow street; it would become like a narrow neck to a large bottle. Then I say that the West-end solicitors again would have very superior facilities in attending the courts if the courts were placed on the Embankment. A great many solicitors reside in Westminster, immediately in connection with the Houses of Parliament, that neighbourhood being convenient for them, in order to attend Committees of both Houses of Parliament, and to attend to Parliamentary business. Then, with respect to the great mass, and I should say perhaps two-thirds of the solicitors in London, it might and would, I think, be more convenient to them to have the New Courts on the Serle-street site, provided that they have no power to shift their quarters. But the solicitors have a power of shifting their quarters which the Bar does not possess. The barristers, principally and almost exclusively, have their chambers within the precints of an Inn of Court. Some of them have chambers in Chancery-lane; but it is not considered "the thing" to have chambers in Chancery-lane, or to have chambers out of one of the Inns of Court; and therefore, practically, there is an obstacle to the Bar shifting their quarters from one place that is not convenient to another that is. But with solicitors it is not so. I should say that out of 50 solicitors, perhaps there are not 10 on the average who are the owners of the houses which they inhabit for offices. They are yearly tenants for the most part, and congregate in the neighbourhood of Lincoln's Inn-fields, Bedford-row, John-street, and elsewhere, in that immediate district, because it is convenient to them to congregate there; but if the Law Courts were brought upon the Thames Embankment, they would shift their quarters. The Committee will take notice of the fact (which may be seen on the plan), that there are four streets at least which lead from the Strand down to the proposed Embankment site, Surrey-street, Arundel-street, Norfolk-street, and Essex-street, and in the first three of those streets at present very few solicitors have their offices. If the Committee were to refer to the "Court Guide," which gives an account of who it is that lives in every house in every one of those streets, they would be astonished to find how very few solicitors have their offices there at all The houses in those streets are very much occupied, I observe, by what are called small private hotels. People from the country who do not want to spend much money, are accustomed to go to one of the small hotels in those streets. But if it be of real importance to the solicitors in London that they should be in proximity to the courts, they, instead of hiring offices as they do now in Lincoln's Inn, Bedford-row, and that neighbourhood, will shift their quarters, and hire offices in some one of the four streets that I have mentioned. Therefore I consider that, in point of fact, the proposed Embankment site is not one that would inflict injury upon the solicitors as a body of practitioners. It would, however, do so upon some of the solicitors who have purchased the premises in which they conduct their business, for they would find those premises less valuable. But, I believe that, even in their case, with the exception of a few great agency offices, the importance of living in close proximity to the Courts of Justice, that is to say, of being within two or three minutes' walk, is not a matter of paramount moment; that the greater part of them could, without inconvenience at all, remain where they are, but that some of the great agency offices would find it advantageous to shift their quarters to Norfolk-street, and I believe that they would do so. But with respect to the Bar it is different. I have explained to the Committee that the Bar cannot shift their quarters in the same way. They must have their chambers either in the Temple, or Lincoln's Inn, or Gray's Inn. I am not aware, however, that any practising barrister at all has chambers in Gray's Inn, because Holborn intervenes, and this makes Gray's Inn inconvenient for the transaction of court business; but barristers who practice in court have their chambers principally in Lincoln's Inn or in the Temple.

1860. Mr. *Layard.*] From what I understand you to have said, in your opinion, if chambers for solicitors were built upon the Carey-street site which has been cleared, those chambers would be speedily occupied by the profession?—If they were not too dear.

1861. Mr. *Mowbray.*] Do you think that the Carey-street, site would be equally convenient, if accesses were made to it?—I think that the Carey-street site would be convenient in point of situation, supposing proper approaches were made; unquestionably it would be more convenient to gentlemen who have chambers in Lincoln's Inn than if the courts were put on the Thames Embankment.

1862. But you think that it would be necessary in addition to the ground already taken, to make accesses from the Strand on the west, and Bell-yard on the east?—That is the result of my experience: I have for 30 years been accustomed

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to go every day, except when the courts were not sitting, from my house in Chester-square to Lincoln's Inn; I have met continually with very great difficulty in going to and fro, on account of the very bad access there is to Lincoln's Inn and the neighbourhood of Lincoln's Inn at the present time from the west. If a person resides north of Oxford-street, he is not subjected to that inconvenience; but if he resides in the south of London, or in the south-west of London, in point of fact, in any point to the west that is south of Oxford-street, then he is exposed to very great difficulty indeed in going to Lincoln's Inn, and would be exposed to great difficulty in going to the courts on the Serle-street site, unless he should take the one only convenient course open to him, which would be the Strand; but this would throw all the traffic into the Strand. I have experienced very great obstacles in my progress to and from Lincoln's Inn (my chambers are in Stone Buildings), by reason of the existence of Covent Garden Market. Covent Garden Market in my recollection, I am speaking of 30 years ago, was not formerly as great a nuisance as it is now. London, since the introduction of railways, has grown very much in population; and the quantity of vegetables brought to Covent Garden Market has very much increased. Formerly, I could pretty well be sure of being able to get through in a cab to Lincoln's Inn, and the cabmen always desire, if they can, to take you by the shortest way, which is through Covent Garden Market; but of late the increase of waggons and carts has been very great, indeed I may say enormous, and they now, on market days, overflow beyond the limits of Covent Garden Market into all the adjacent streets; and I have often been obstructed very much even in Long Acre, where these great waggons are obliged to stand. I consider that that is an increasing evil; and when I remember how it has increased during the last 15 years, and that the rate of increase is still going on, I cannot help thinking that in another 15 years from this time, something must be done with respect to Covent Garden Market, if the Law Courts are to be on the Carey-street site.

1863. If you come from the north it will be necessary to widen Serle-street?—If you came from the north it would be necessary to get convenient access to Serle-street; but how, by the existing narrow lanes, you are to get to Serle-street, without great inconvenience, I do not understand.

1864. You have heard that it is in contemplation to open the Turnstile?—That would do for persons who come by Holborn, but would not be of the slightest advantage to persons coming from the south, or the west, or the south-west.

1865. And if the Carey-street site were adapted you think that it would be necessary to incur the additional expense of making approaches from the west, from the east, and from the north?—Unless the public will be content to have no practicable mode of getting to the new buildings, except by the Strand. I think that all the other modes of access are inconvenient. The streets are narrow, filthy, and disagreeable in every respect; and it would be necessary to incur the expense of making a convenient access to Lincoln's Inn Fields, not only from Great Turnstile, but in some way towards the west and the north-west of Lincoln's Inn Fields.

1866. Do you ever cross Clare Market in your way to your chambers?—I have often crossed Clare Market, and I think that the existence of Clare Market is an additional evil; it is filthy and disagreeable. I consider that Covent Garden Market and Clare Market are two decided objections to the Serle-street site.

1867. You think that it would be necessary to clear Clare Market also?—I do not know that it would be necessary, for we lawyers are capable of great endurance; but I think that it would be highly desirable.

1868. Mr. *Bentinck.*] Are you a bencher of Lincoln's Inn?—No, I am a bencher of the Inner Temple. And perhaps, with reference to that, you will allow me to say that the benchers of the Temple have not, in my judgment, any pecuniary interest in having the Embankment site selected. I made inquiry of our sub-treasurer, who assured me that we had not a single set of chambers in the Inner Temple unlet, and that we have between fifty and a hundred names down as applicants for chambers. Consequently, as we do not wish to raise our rents upon our own members, and we let to no other persons, our income would not be increased by the superior advantages given to the Temple if the Embankment site should be selected.

1869. Mr. *Goldney.*] You say that your belief is, that the City solicitors would be benefited by coming to the Embankment site?—I think so, and I have been told so by some of the leading gentlemen who are members of firms carrying on business in the City.

1870. Have you been told so by any other members than Messrs. Freshfield?—I have been told so by one of the Messrs. Freshfield, and I think by other City solicitors.

1871. What do you think of the Moorgate-street solicitors; supposing that it were at Carey-street, how would they travel?—I suppose that they would endeavour to avoid, if possible, Fleet-street, and that they would take the Holborn route.

1872. Is there any spot in the City where more solicitors are congregated together than Moorgate-street, that you know of?—I am not prepared to say.

1873. You think that, as regards Howard-street, people come to the small hotels there who do not want to spend much money?—I suppose they do not wish to spend much money. I should imagine that those hotels, though I have never staid in them, are not so expensive as the Westminster Palace Hotel, and the Charing Cross Hotel.

1874. Do you think that you would remedy that if you brought the lawyers there?—I think that lawyers would pay a greater rent.

1875. And compel the people who did not want to pay more money to go somewhere else?—It would leave them to go where they liked.

1876. You say that, as regards the people in large practice, they want to be near the courts; but for solicitors who have not much practice, you do not think that it is essential?—Not of much importance. Whether a solicitor has to walk 10 minutes further or not makes in general but little difference.

1877. Supposing that these courts were placed on the Carey-street site, and you were coming from Chester-square, how should you go there?—Along the Strand as I do now; I go now always along the Strand, and drive up Chancery-lane.

1878. But you would not want to drive up Chancery-lane

Chancery-lane if the courts were in Carey-street?—No.

1879. Supposing that the courts were put upon the Embankment site, how would you go from Chester-square then?—I think that I should very likely go along the Embankment road. I should go along the Mall, and along the Embankment road.

1880. Drive?—Drive or ride.

1881. Where is the Embankment road?—As I understand, there would be a road 100 feet wide along the Embankment.

1882. It is not there now?—No, nor are the courts.

1883. Supposing that the Embankment road was not there, you would still go the Strand way?—Yes.

1884. Is your objection to the Carey-street site based upon the disadvantage of the approaches?—I think that that is the principal objection. But there are other reasons; the putting a large and important building in a place where it cannot be seen is also an objection.

1885. Why cannot barristers live in Chancery-lane?—It is not considered the thing. Some very highly respectable gentlemen do live there, as they cannot get chambers in Lincoln's Inn.

1886. When the courts were built, do you not think that it would alter that sort of conventional feeling?—I do not think so.

1887. Then, wherever the courts are, you think that the barristers must remain where they are?—I think that if a gentleman takes chambers out of one of the Inns of Court, he puts himself, by his voluntary act, into a secondary rank.

1888. Is it your opinion that the chambers must still remain in Lincoln's Inn if the courts are built on the Embankment site?—I think so.

1889. And that it is only a certain number of solicitors who could migrate there?—I do not say that. I think those who could not, would be the exception. Those who would not, are the owners of the property where they conduct their business.

1890. Why should you say that Gray's Inn has no practising barristers, on account of Holborn intervening?—I recollect in my experience that the Court of Review used to sit in Gray's Inn. I have had to go, in my wig and gown, across Holborn, and struggle through the omnibuses and cabs, to arrive at Gray's Inn; and I found it so inconvenient that I am sure no one would voluntarily incur such a journey.

1891. The barristers living north of the Strand would find it inconvenient to have to cross to the Embankment site?—I think that a great inconvenience would be felt by barristers in Lincoln's Inn, if they were left to struggle to find their way across the Strand.

1892. Then, as regards the convenience of the barristers in Lincoln's Inn, your opinion is in favour of the Carey-street site?—Just so; and I think that the opinion of the Bar, particularly considering that they cannot shift their quarters, should be regarded by the Committee. When Parliament gave its consent to the courts being built on the Serle-street site, I took some interest in the subway and bridge that were proposed, which would have enabled gentlemen to go from the Temple in their wigs and gowns without inconvenience; and I think that something of that kind should be done for the convenience of the Bar on the north of the Strand.

1893. Did you take any interest in the matter when the Lincoln's-inn Fields site was proposed?—No.

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1894. But you know that the Carey-street site was a compromise with those who lived in the Temple, for the Lincoln's Inn site?—No, I do not know that. I know that when the Carey-street site was settled on, the mode of getting there became a subject of considerable anxiety to persons connected with the Temple, and although I never myself had chambers in the Temple, yet being a Bencher of the Inner Temple, I thought it my duty to endeavour to see that whatever convenience was possible should be afforded to the Temple by the new scheme, and Parliament seem to have given their sanction to that principle.

1895. Leaving the courts for a moment, what do you say with regard to the offices attached to the courts; how far would the Carey-street site be beneficial to the solicitors living there?—I think that it is of great convenience to the solicitors that the offices and the courts should be brought into close proximity one with another, and that the doing so would be necessarily a great saving of time to them. I think it would be a great boon to the profession, whether the new Law Courts are put on the Serle-street site or on the Embankment site, that the Law Courts with the offices should be brought together, and that the waste of time, which now takes place from their being in different places, should continue no longer.

1896. When you say "A boon to the profession" you mean a boon to the public, I suppose?—I think that by its being a boon to the profession it would be a boon to the public also.

1897. How would it be a boon to the profession as contra-distinguished from the public?—Take the case of a professional man, he has to go himself or send his clerk to several offices and courts. If they are all together he can do it in less time than if they are scattered over several parts of London.

1898. It would materially facilitate the termination of suits, you think?—I do not think that it would make much difference in that respect.

1899. Not if a counsel could be called out of court suddenly to attend before a judge at chambers when his cause was not actually on in court?—There would be some additional convenience in that, but I do not think that it would have much practical effect.

1900. Supposing your chambers to continue in Stone Buildings and the courts to be in the Temple, and that you have a cause in the paper, would not that necessitate your remaining in the court?—Yes; I know the inconvenience of it; I have lost many a valuable hour of my time when our courts of equity sat at Westminster, by remaining at Westminster when I could have been more usefully employed in chambers.

1901. If you had been more usefully employed you would have been able to facilitate business which you could not, as it was, attend to?—Yes.

1902. As regards Stone Buildings, would not the distance be almost equally convenient if the courts were at Westminster, as compared with the Embankment site?—No; in the first place the distance is far less, There are gentlemen who practice in the Rolls Court (at the lower end of Chancery-lane), and some of the gentlemen who have the largest practice in that court have their

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chambers in Stone Buildings; one in particular, Mr. Jessel, has his chambers there, and he has to walk in his wig and gown from Stone Buildings to the Rolls Court, and has to cross Chancery-lane among the cabs and omnibuses. The inconvenience of that is very great; and I recollect that when I practised in the Rolls Court I, on one occasion, on a wet day, slipped and fell amongst the omnibuses and cabs in full bar costume, and I have never forgotten the magnanimity of the omnibus driver, who, having a lawyer at such great disadvantage, pulled up his horses instead of passing over him.

1903. Would not the distance to the Embankment site be double that from Stone Buildings to the Rolls Court?—Not double, but greater; and if I might say so, I disapprove of one part of Mr. Street's plan that I have seen. It seems to me that there is one blot which is sure to be seen in it, and it is this: I think that every inch of the site that is in close proximity to the Temple and Lincoln's Inn is, for the purposes of the courts, of far greater value than those portions of the site which are more distant, whereas for offices it is unimportant whether they are near to the Inns of Court or distant, so long as they are on the site at all. It seems to me, therefore, that having regard to the convenience of business, the offices should have been put to the west, and the courts brought as far as possible to the east, because at the east they would be closer to the Temple and closer to Lincoln's Inn.

1904. It must be considerably more than double the distance to the Embankment site that it is to the Rolls Court from Stone Buildings?—If you brought the Law Courts as near as possible to the Inns of Court, and put the Law Offices as near as possible to Somerset House, you would greatly remedy that inconvenience; and then, if acting on the principle which I think received the sanction of the Legislature on a former occasion, you conducted a covered arcade of glass and iron, which might be made at a small expense, from Lincoln's Inn to the corner of Essex-street or to the corner of the Law Courts, the practical inconvenience would be very much alleviated.

1905. But as the plans are now drawn, would not the distance, having to cross the Strand, be considerably greater from your chambers than it is now to the Rolls Court?—It would be greater; but I am not able to estimate it with exactness.

1906. Would a gentleman living there then be able practically to be longer at his chambers than if the Court were at Westminster?—I think so; I do not think that it would take him more than a ten minutes' walk from Stone Buildings to the courts on the Embankment site.

1907. How long would it take a clerk from the court to go to you in Stone Buildings and fetch you, and then for you to come from Stone Buildings, and to cross the Strand to the court?—It would depend upon the route that we should have to take; if a convenient covered way of the kind that I have mentioned were conducted across the Serle-street site to Lincoln's Inn, that would lessen the time required.

1908. I leave out the imaginary covered way, and take the existing state of things, supposing that the courts were built upon the Embankment site as contemplated, how long would it take, if a cause were suddenly called on in which you were engaged, for the clerk to go to you from the court to Stone Buildings and fetch you, and then for you to come back from Stone Buildings and to cross the Strand?—I should say about a quarter of an hour.

1909. And would the Court wait for you a quarter of an hour?—No, nor five minutes.

1910. Then, would it not be practically necessary for you to attend at the court, in the same way as at Westminster?—No; but I think that I should have to go down earlier, and sometimes run a little more risk.

1911. Still, then, you would have to run a risk?—Yes.

1912. Would that risk be obviated if the courts were on the Carey-street site?—I think that for the practitioners in Lincoln's Inn it would be lessened.

Mr. Samuel Boxill Robertson, called in; and Examined.

Mr. *S. B. Robertson.*

1913. *Chairman.*] You are a Solicitor?—Yes.

1914. You have prepared, I think, an analysis of the official "Law List?"—I have.

1915. Explaining in what districts barristers and solicitors have their chambers?—Yes.

1916. Will you put it in?—Yes (*handing it in,* vide *Appendix*).

1917. Mr. *Layard.*] According to this list, to the north of Holborn, there are residing 76 barristers having chambers and 990 solicitors, which would make a total of 1,066 professional men?—Yes, including the outlying districts. The numbers are 599 actually north of Holborn, and 467 in outlying districts.

1918. Between Holborn and the Strand, there are 834 barristers and 520 solicitors, making a total of 1,354?—Yes.

1919. To the south of the Strand, south-west of the Strand, and south-east of the Strand, and in the City, there are altogether 1,135 barristers and 1,939 solicitors, giving a total of 3,074?—Yes.

1920. What, then, is the majority of the solicitors living to the south, south-west, and south-east of the Strand, and in the City?—In the north of Holborn, and between Holborn and the Strand, there are 1,084 solicitors, as against 1,939 south of the Strand, in Westminster, and in the heart of the City. The majority of solicitors topographically favourable to the Embankment is 855.

1921. Then, in your opinion, there are more barristers and solicitors whose convenience would be consulted by the Embankment site, than there are barristers and solicitors whose convenience would be consulted by the Carey-street site?—Very many more.

1922. And these tables that you have drawn up tend to prove that?—Yes.

1923. Have you had any opportunity of communicating with any solicitors in Lincoln's Inn and Raymond Buildings?—I have.

1924. Do you find that any solicitors in Lincoln's Inn and Raymond Buildings are in favour of the Thames Embankment site?—Yes.

1925. Can you mention any of them?—There is Mr. Du Cane in Gray's Inn.

1926. Mr. *Bentinck.*] I understood you to say just now, that there are more barristers living to the

the south of the Strand than to the north of the Strand, and that their convenience would be consulted by this arrangement?—Yes.

1927. Are you not aware that comparatively few of these barristers who live in the Temple have any London practice?—No, I am not aware of that.

1928. Are you not aware that the number of common law barristers who have London practice is very limited; do you not know that the greater number of common law barristers practise as common law barristers in the country, on circuit?—They have to go on circuit sometimes.

1929. And that a very small proportion of the common law barristers in London have London practice?—I am not aware of that.

1930. But are you not aware that the number of common law barristers who are in extensive practice in London, is comparatively very small?—I cannot say.

1931. But you know that the business of all Chancery barristers is in London?—Quite so.

1932. And the vast proportion of the Chancery barristers live to the north of the Strand?—Quite so.

1933. And consequently, the majority of barristers who practise in London, live to the north of the Strand?—I cannot say.

1934. As a solicitor, I ask you whether it is not your opinion that the greater number of barristers, taking the two bars together, who have practice in London live to the north of the Strand; I ask you as a solicitor practising in London, and not looking to your table?—I would rather refer you to the table.

1935. As a solicitor practising in London, you cannot answer me that question?—I have no knowledge of that without referring to the table.

1936. Mr. *Goldney.*] How did you get this information in the table?—By taking the "Law List" to pieces, and picking the names out.

1937. You have no other information excepting the "Law List"?—No; none.

1938. You know nothing of the people entered there, whether they are practising or not?—No. But I have assumed that all those who have addresses in the legal districts are practising, and I have only counted such.

1939. You know nothing of them except that they are put down as barristers or solicitors?—No; I have followed the official list.

1940. Did you see any of those people while you were about it?—No.

1941. How many men on the Northern Circuit are practising in London, do you suppose?—I have no idea.

1942. Do you think that a third are?—I cannot say.

1943. Do you suppose that a fourth part are?—I should think so.

1944. Why do you think so?—That is simply my opinion.

1945. You have no knowledge at all of what number of barristers are merely interested in this question as barristers, and who are practising?—No, except so far as their addresses in the "Law List" guide me.

1946. Do you know how the "Law List" is made up?—No; I know nothing of that.

1947. You have merely taken this book as a piece of information, and mechanically taken out the names?—Yes.

1948. Do you know of solicitors stated here, how many are agency solicitors, and how many are not?—I am taking that out now; it is not finished yet.

1949. Are you a member of the Law Institution?—Yes.

1950. Are you going to attend the meeting there to-day?—I shall not be able.

1951. Did you know that there was a meeting to-day on this question?—I knew there was a meeting, not on this question, but the annual general meeting.

1952. Did you know that they were unanimous in favour of the Carey-street site?—No.

1953. What part do you reside in?—In the Temple.

1954. Has your business always been in the Temple?—Not always; I was once in Bedford-row.

1955. The First Commissioner asked you what solicitor you knew in Raymond Buildings favourable to this site; is there any other person in Gray's Inn who has given his confidence to you?—No.

1956. Then you have no other person in Gray's Inn or Raymond Buildings, but Mr. Du Cane that you can mention?—Mr. Du Cane did not give me his confidence; it was in casual conversation.

1957. Have you had any conversation with anyone who authorised you to come here, but Mr. Du Cane?—No, certainly not; I am not authorised by anyone.

1958. Then, Mr. Du Cane has not authorised you to say that he prefers the Embankment site?—I am not authorised to say that for anybody.

1959. Not even for him?—No, certainly not.

1960. Did you sign any petition at all?—Yes.

1961. Which one?—In favour of the Embankment site.

1962. Did you attend on a deputation before the Chancellor of the Exchequer?—I did.

1963. It would be of greater convenience to you in the Temple to have the building on the Embankment site, I suppose?—Certainly.

1964. Is your business principally common law or Chancery?—It is chiefly conveyancing with common law and equity, arising out of conveyancing.

1965. Have you many clerks attending at the offices?—No.

1966. Have you two or three attending daily?—No.

1967. Have you one attending daily?—Yes.

1968. Attending daily at the offices or at the offices and the courts?—At the offices, and the courts, too.

1969. Is it inconvenient to you or to him the offices being separated as they are now?—Certainly.

1970. Supposing that they were concentrated, would your clerk be able to attend every other day, and would he be more at chambers?—I should think it possible; at any rate it would be a great convenience.

1971. How much inconvenience do you think it would be to you in the Temple, if the offices were concentrated in Carey-street?—It would not be so convenient on the whole; but I do not know that it would make much difference to me.

1972. This paper that you think of completing differs very much from Mr. Baxter's, I think?—No; I think it is very similar to his.

1973. Did Mr. Baxter take his from this?—I was not aware that Mr. Baxter was making an

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analysis of the "Law List"; my analysis is divided into three parts; north of Holborn; between Holborn and the Strand; and south of the Strand.

1974. Then, practically they are both taken from the "Law List"?—Mine is.

1975. Sir *William Tite.*] Your statements that you put in are derived from the "Law List"?—Yes; from the official "Law List."

1976. And you know, in point of fact, that they are correct, being derived from those data?—Yes.

1977. And, except incidentally, you do not know the individual opinion of the solicitors?—No.

1978. Mr. *Layard.*] I presume that your table has been made upon the same data as the Law Institution Map?—I do not know how they have formed their map, but I have taken the "Law List," and checked it by comparison with the "London Directory," and I believe it to be correct.

Mr. Charles Shapland Whitmore, Q.C., called in; and Examined.

Mr. *C. S. Whitmore,* Q.C.

1979. *Chairman.*] You are a Queen's Counsel, I think?—I am.

1980. And a County Court Judge?—I am one of the Metropolitan County Court Judges.

1981. Are you the Treasurer of the Inner Temple?—I am also Treasurer of the Inner Temple for this year.

1982. We understand that you have formed an opinion upon the question of the site for the Law Courts?—I have formed a very strong individual opinion; but perhaps it would be better that I should state to the Committee that I represent here the Inner Temple; and, that I should inform them how it was that we petitioned Parliament in favour of the Embankment site. At the beginning of this year, when that question came to be agitated, it was thought right by the Treasurers of both Societies that their Benchers should have an opportunity of considering it; it was brought forward at the Middle Temple and at our Temple; a special meeting was appointed for the consideration of the subject, and due notice given of that meeting, informing every Bencher of the subject to be then considered; there was a large meeting of Benchers; the subject underwent a very long consideration and discussion, and there were but three who were in favour of the Carey-street site. And, inasmuch as it is sometimes thought that this is a question between the Templars and Lincoln's Inn, I may inform the Committee that the majority were composed, not merely of Templars, but of some members of the Chancery Bar, having chambers in Lincoln's Inn, and practising in Chancery, of whom Mr. Cole, who has been examined, was one. There was another gentleman also, having chambers in Lincoln's Inn, and practising in Chancery, who was rather a notable instance of conversion, for he stated to us that he had been originally in favour of the Carey-street site, but that he was convinced of his error, and was glad of an opportunity of recanting, which he did. I may also state that the three gentlemen who were somewhat against the Embankment site, advanced as their arguments the apparent expense of the undertaking, and the probability of delay, but at that time the present Government proposal was not before the world. That which was before the world, was the somewhat magnificent scheme of Sir Charles Trevelyan, and many were rather startled by that magnificence, and thought that if it were entertained it might, in fact, put an end to all concentration of the Law Courts. Those considerations of expense and probable delay were stated by the three opponents of the Embankment site as the reasons for their own decision. Two of those gentlemen were Parliamentary Counsel, and the third has retired from the profession. I heard some statement just now which looked as if it went to show that we were inferior in numbers to Lincoln's Inn; I do not for certain know how it is, but I can hardly think that such is the case, for I happen to have with me some returns which I had made out (not for this purpose, for I have not been able to prepare myself for this subject at all, but for another purpose) which show the comparison between the numbers called to the bar for seven years at Lincoln's Inn, at the Middle Temple, and at the Inner Temple, and the number called to the Bar for the last seven years at the two Temples is more than double the number called at Lincoln's Inn.

1983. Mr. *Layard.*] Will you mention the numbers?—The total for the Inner Temple was 502, Middle Temple 383, and Lincoln's Inn 408, so that the two Temples together amount to 885, as against 408 of Lincoln's Inn.

1984. Mr. *Goldney.*] Is that the average on the total of the seven years?—The total of the seven years.

1985. Mr. *Layard.*] I think that yourself and a deputation from the Benchers of both Temples called upon me and informed me that you were willing to meet the wishes of the Government as regards the removal of the railway station to the corner of Essex-street?—I was not one of that deputation; when it was made known to me that the removal was in contemplation I brought it before our Bench; our architect was instructed to report to us upon the subject, and upon his report we came to the conclusion that we were not damnified at all, and we were very willing to assent to the proposed alteration.

1986. As regards the convenience of the Temple, what do you think of the Carey-street site without the bridge, which it was first proposed to erect over Fleet-street and the Strand in order to connect the Law Courts with the Temple?—It is unnatural altogether to the Templars to go to the north; our gravitation is southward and westward, and I do not think that we should be easily persuaded to go to the north anyhow.

1987. You think that the inconvenience of crossing the Strand without a bridge would be very great for the Templars?—Very great.

1988. With reference to the amount of business of those who have chambers in the Temple and in Lincoln's Inn, can you give us any comparative statement?—I was astonished at the suggestion which was just now made, that the greater number of the common law barristers living in the Temple do not practise in the London courts; almost all the common law barristers practise *quodam modo* in London; no doubt with reference to the amount of money that is in dispute the Chancery practitioners greatly overweigh the common law practitioners

practitioners, but the number of common law barristers must be greatly in excess of the number of Chancery barristers; whenever the sittings at Nisi Prius are going on, and that occurs for four weeks after every Term, there are no less than six courts sitting to try jury causes; there is, in each of those courts, a list of causes for the day; and the number of counsel engaged in them (they are not the same counsel) I should think would be quadruple or quintuple the number of those engaged in the Chancery Courts; I speak without book, but I cannot imagine any comparison in point of numbers between those practising in common law and those practising in equity.

1989. I believe that the common law courts considerably exceed in number the equity courts?—I do not know that they exceed them in numbers. I do not think that they do; but the number of persons resorting to them is infinitely greater than the number of persons resorting to the equity courts; and that is one reason, in my opinion, why a selection should be made for the law courts of such a site as is eminently accessible, because the accessibility is a point to be considered for a very large number of persons. I do not understand any very great distinction between the profession and the public. By the public I understand in this matter all those who may have occasion to resort to our courts in any capacity, whether as judges or jurors, or counsel, or attorneys, or witnesses or parties. The number of those resorting to the common law courts is infinitely greater than the number of those resorting to the equity courts; and when one comes to think of the nature of the accessibility and the advantages of the accessibilty, one is struck at once by this, it is not merely greater facility and comfort of walking that is in question, but it is greater punctuality, a greater accuracy in point of time, and above all, to my mind, the greater cheapness. No one who is not accustomed to it, or who does not know something about it, can well estimate how large the sums are that are spent in the litigation of the common law courts as allowance to witnesses, for travelling and conduct money. It is of very great importance, to my mind, that that expense should be lessened as much as possible; and here we shall have (and we are not talking of to-day, but of some years hence) facilities of conveyance so great and so numerous, that the cheapness of conveyance will be greatly reduced.

1990. That is to say, supposing that the courts are placed on the Embankment site?—Yes; even now I can come from the Temple to Westminster by a boat for a penny, and I do it repeatedly; we should have our witnesses every five minutes, coming to and fro, and able to be at the very spot where they ought to be, for a very small sum, and we should have them coming there from all parts of the world, because, though the girdle round London is not quite complete, very few links are wanting, and those links will be supplied long before the new building is completed; and then from every part of England and from every part of the metropolis every man having to resort to the courts will be able to come by railway or by river, and in either case with certainty as to the time of his arrival, and with great convenience, in all respects; my court is in Southwark, and I have no railway to assist me, and I am constantly thrown out from want of punctuality; owing to the deficient means of conveyance, I am made half-an-hour late sometimes, and the witnesses are, too.

1991. Sir *William Tite.*] You spoke of a meeting that was specially summoned at the Inner Temple, and you stated, did you not, that there were three gentlemen who came over to your views on that occasion?—I will not say that they have come over, but I say that their arguments were addressed to a state of things which does not now exist.

1992. How many were present on that occasion?—Twenty, or thereabouts.

1993. Is that the number of an ordinary meeting?—Rather more.

1994. Was the matter fairly discussed?—Quite so; it occupied at least four hours; the meeting was specially called out of the usual course, in order that we might be occupied with this question exclusively.

1995. Had you any other business before the meeting?—We had no other question whatever before us.

1996. Were you in the chair?—I was in the chair. I took no part in the discussion, but simply listened to it.

1997. Was the resolution carried unanimously?—With those three exceptions which I have named.

1998. Mr. *Bentinck.*] You say that you were astonished just now at the suggestion which I made with regard to the majority of barristers living in the Temple not having court practice in London. A vast majority, I believe, if not all of the barristers who go circuit have chambers to the south of the Strand?—Yes.

1999. What proportion of those barristers do you suppose have any court business in London?—It is extremely difficult to say that; I do not know what proportion. They all hope for business, and they all may go to court.

2000. I have always understood that court practice in London was the thing which the common law barristers desired to have?—Yes.

2001. Do you think that the majority of those barristers who go circuit, have London court business?—It is a very small proportion, I am sorry to say, of the bar that have any business at all. We have 1,600 barristers on our books, and you may infer from that how very small the proportion must be who actually get business.

2002. Do you think that a good many barristers who go circuit, have court business in London?—Those who go circuit, have a fair chance of court business in London.

2003. Have the majority of them court business in London?—I think that all those who have good business on circuit at Nisi Prius, in all probability have court practice in London. They are reasonable expectants of court business in London, because all Nisi Prius business in the country has a chance of coming to London for after consideration. They probably prepare pleadings, and advise upon evidence in all the country causes, and if there is a point reserved for consideration in a London court, they have a chance of attending before the court in London.

2004. You speak of them as reasonable expectants, but reasonable expectation is not profession?—I have no statistics to guide me, but certainly a large proportion.

2005. A large proportion of the barristers who go circuit, have court business in London you think?—Yes.

2006. But not the majority?—No.

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2007. You would say that the vast majority of the barristers who practice in London have their chambers north of the Strand?—No.

2008. Mr. *Osborne Morgan.*] There is this difference, is there not, between common law and equity barristers, that an equity barrister combines a much larger amount of chamber work with his court practice than a common law barrister does?—I should think so, but you are a better judge of that than myself; but there is a great deal of chamber work for a barrister practising in the common law courts; he has to advise on evidence, and to settle pleadings.

2009. He will be a special pleader, will he not?—Not exclusively.

2010. Of course the common law pleadings are a mere nothing compared to equity pleadings?—I should say so.

2011. An equity lawyer constantly combines the two things at the same moment, does he not?—You are better able to say that than myself; I believe it is so, to some extent.

2012. Whereas a common lawyer's business is generally confined to court work; the greater proportion of it is court work?—I should not say that.

2013. Take a junior in large practice; I suppose his court practice would be ten to one to his chamber practice?—It depends upon the nature of his court practice; if you take such a man as Mr. Mellish, his chamber practice is enormous.

2014. Mr. Mellish a Queen's Counsel; I am speaking of a junior who has to draw pleadings?—A very large class of barristers have a large chamber practice, and are constantly in chambers.

2015. When you were speaking just now of the comparative numbers of barristers belonging to the three inns, did you mean that to convey any idea of the number of working men belonging to the three inns occupied in my actual practice?—I wished to convey nothing beyond what I stated.

2016. Surely the number of men at the Temple who do not intend to follow the law as a profession, is much greater than it is at Lincoln's Inn?—I cannot answer that question.

2017. Mr. *Goldney.*] A large number of your Benchers are either on the Bench or not practising at all, or in the House. Take men like Mr. Cardwell and Mr. Hardy, for instance?—They took no part in this discussion.

2018. Did the judges who are Benchers take part in it?—Certainly not.

2019. Both Temples, I suppose, had a Parliament about it?—Yes.

2020. Do you remember when the equity side of the Exchequer Court existed?—I do.

2021. Do you know that it was virtually given up on account of the inconvenience to the solicitors?—I have not the least idea that that was the cause of it; I believe that it was a very imperfect system.

2022. What number of offices that did exist in the Temple have now been removed to north of the Strand?—You must ask some one else.

2023. You, as treasurer, would know that?—No, it is quite foreign to me.

2024. You know that there are a great number of offices which used to be attached to the Temple that have been removed north of the Strand; the Master's office, for instance?—That is now in the Temple.

2025. And the Exchequer?—The only removal that I know of was the Master's office from a lower point to a higher point in the Temple.

2026. Do you remember the equity side of the Exchequer Court?—It existed since I was called to the bar. I remember that one of the Barons of the Exchequer sat in equity, and he sat in a side room at the Court of Exchequer, and it was a very imperfect system.

2027. Where is your county court that you preside in?—It is near Horsemonger-lane Gaol.

2028. How do the witnesses get there?—It depends from what point they come. If they come from London Bridge they get to it by railway; at London Bridge there are converging lines.

2029. They would not be affected in any possible way about these courts?—Not my witnesses.

2030. Do you find much inconvenience to the witnesses going to your court, from their not having water carriage?—Great inconvenience from want of punctuality, and frequent complaints at times, because the streets have been blocked up.

2031. But they have never raised it, that view, that it was because they were not on the Thames?—Well, I should raise that view for them. It is not exceedingly likely that people a mile and a half inland would suggest the river.

2032. Have they ever thought that it would be better for them to be on the Thames in that respect?—I am unable to say what they have thought.

2033. What do you think yourself on that point?—I think that undoubtedly it would be to their advantage.

2034. That it would be an advantage to the county court to be removed near the Temple?—It would then be in a situation where they would have greater facility of access.

2035. Is it your view that, instead of having the district court near the Horsemonger-lane Gaol, where you say it is now, it would be of greater advantage to have it on the Temple?—If it were equally central. There are many considerations to be taken into account. One consideration is accommodation of witnesses. There are other considerations which may be stronger the other way.

2036. We will take that particular court and district; would it be for the convenience of the suitors in that court that they should come to a spot on the Temple, or that they should have the court with all the disadvantages of access where it is now situated?—It entirely depends upon the outline of the district.

2037. I am speaking of your particular district?—In my particular district I should think that it would be just as well to be at the Temple in all respects barring this, that the Temple is not within the district of the Southwark County Court.

2038. I ask you, looking at those disadvantages which you speak of in getting there, and looking at the circuit, whether it would be most advantageous to the suitors to have the courts on the banks of the Thames, near the Temple, with the facilities which water carriage would give them, or to have it where it is, in the midst of themselves?—It is very difficult to say. They have some advantages, from its present central situation,

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tion, which they would lose if it were removed here to the extreme circumference of the circle.

2039. Have you read the reports of the Judicature Commission, on the subject of bringing the courts to the people, rather than the people to the courts?—No, I have not seen that.

2040. Would the same thing apply to Lincoln's Inn and Carey-street?—Yes.

2041. That is to say, that the question of the convenience of the locality might be set against that of access?—Certainly; you have your pros and cons in all questions.

2042. But as regards the offices principally, the public have very little to do with the offices of the courts?—That is in the hands of the profession.

2043. As regards the access to the general public, it would not give the general public any benefit?—They would have no occasion to resort to the offices.

2044. What number of professional people do you think are occupied in the offices, every day, as compared with those in the courts?—That I have no idea of.

2045. Do you think that there are more in the offices?—I really do not know.

2046. You would not be surprised if it were stated to you that there are more?—I should not be surprised. It is done, I believe, by attorney's clerks, and those clerks are benefited more by having a little further to go.

2047. For their health you mean?—Yes.

2048. Do not you think that it would hinder business?—No, not appreciably.

2049. Do you not know that a large number of counsel are engaged in the offices?—I feel the force of their objection in Lincoln's Inn.

2050. In the common law, though there are not a great number there, are some engaged in Judges' Chambers?—Not a great many.

2051. But there are in the Chancery Courts?—Yes; the practitioners in the Judges' Chambers are chiefly, I believe, pleaders.

2052. As regards the members of the Temple who came to that meeting of 20 that you spoke of, I assume that they were mostly practising barristers?—Yes, or who had been so.

2053. I want you to draw a distinction between those who were, or those who had been?—I think that they were chiefly practising barristers. Perhaps, I may add one thing. I have always myself thought that it is for the benefit of the legal profession, including the solicitors, that the clearing of the site of Carey-street should have taken place, so as to enable them to resort there for future practice; and I cannot but believe that in the course of the few years that will intervene between the present time and the time when the courts are built, that will become the legal *quartier*; and I see no reason why the counsel from Lincoln's Inn themselves should not have that space annexed as a sort of extra square to Lincoln's Inn, and so bring them in all but contiguity with the new courts, in very close proximity, if not absolute contiguity; and whether the barristers of Lincoln's Inn do adopt that course or not, certainly the solicitors may, and those who are far off may most naturally migrate there, and find it to their advantage; and I am assured by many solicitors whom I come in contact with, that the want of proper accommodation for solicitors' offices is much felt by them now, especially offices on the modern plan, with all the rooms on one floor, and offices occupying a larger space than they now do. No one who has not gone into them can form any idea of the miserable places in which some of the leading practitioners are now condemned to carry on their practice, from want of the possibility of doing anything more. I know several of them myself. I have been brought into contact with them as a trustee, and otherwise, and I happen to know something myself of solicitors to the north who have a preference for this site; but they say, "We cannot well go against our brethren."

2054. Mr. *Layard.*] You think that the clearance of Carey-street would prove to have been a public advantage if it were left to be used for chambers?—I am quite certain of it. We are to consider the state of things eight or ten years hence; and I feel perfectly certain that if the Courts of Law were on the Embankment those courts would be fringed in no time with a legal population; they would come round them, just as the stockbrokers get round the Royal Exchange, or as the Parliamentary agents are here in the neighbourhood of these Committee-rooms.

2055. Mr. *Goldney.*] Do you think that, as a question not of public necessity, it would be a right thing to turn out people compulsorily for the advantage of making better chambers?—There would be few who would be turned out compulsorily, I apprehend.

2056. But do you know how many people were turned out in Carey-street?—That is done and past.

2057. Mr. *Osborne Morgan.*] You have been speaking of the disadvantage that the Temple men would labour under if they had to cross the crowded thoroughfare of the Strand to get to the Carey-street site. Would not a person having chambers above Carey-street be under exactly the same disadvantage in coming to the Embankment site?—Yes, in that respect it is tit for tat.

Mr. HENRY VALLANCE, called in; and Examined.

Mr. *H. Vallance.*

2058. *Chairman.*] YOU are, I think, a Solicitor?—I am.

2059. And where is your place of business?—In Essex-street.

2060. I believe that you have taken a good deal of interest in this question?—I have.

2061. What is the conclusion to which you have come upon it?—The conclusion that I have arrived at is, that the balance of convenience with regard to the public and the profession generally between the Carey-street site and the Embankment site is considerably in favour of the Embankment site.

2062. Could you state briefly your reasons for that conclusion?—My reasons generally are these: I can quite conceive that the barristers who reside in Lincoln's Inn and Lincoln's Inn-fields may find it more convenient to have the Courts of Chancery, in which they principally practise, close at hand, and ready of access; but with regard to the solicitors (except the solicitors living in Lincoln's Inn, and I except them with the barristers), taking the general body of solicitors in the metropolis, and especially as regards the suitors in the majority of the courts, the convenience would be considerably in their favour

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in having the Embankment site. It would offer a greater convenience of access, and greater facility of getting there and returning from the courts, and a more agreeable character in the places where they would have to wait; and all that is generally in their favour as against the Carey-street site. I may mention that I think that the attendance upon the courts is frequently a question of minutes, and that, especially in the common law courts; and I think the persons attending are about double the number of those attending the Courts of Chancery. There are special jurymen, and common jurymen, and witnesses, and they comprise generally the public who attend in those courts, against the barristers and the solicitors, and some few of the parties interested in the Court of Chancery. I do not know what the estimated number of the courts is, but I think that, in round figures, it may be taken that there are about double the number of common law courts (including amongst them the Courts of Bankruptcy, Probate, and Divorce,) than there are of the Chancery Courts; and the general public attend the former to a much greater degree than the latter.

2063. Mr. *Layard.*] I think you stated, in an interview you had with the Chancellor of the Exchequer, that you thought one very great advantage in favour of the Embankment site was, that a large number of persons who have to wait in the courts of law before their business is called on, could then have means of recreation or of passing their time agreeably, whereas, if the courts were on the Carey-street site, such persons would be confined within a crowded and unwholesome neighbourhood, that they would be in if the courts were built on the Carey-street site?—I think so. That is a most essential argument in favour of the Embankment site. We all know that it repeatedly happens that there is a long list of causes down for hearing, and that parties have to wait sometimes two or three days. In the Courts of Chancery, exceptional causes sometimes occupy three, four, or five days in hearing; but in the case of the common law courts they repeatedly occupy a long time, and the jurors and witnesses must be in attendance, whether the cause comes on or not. I apprehend, from my own personal experience, that clients and witnesses would remain with much greater contentment if they had a view of gardens and the river, and anything agreeable, than they would on the Carey-street site, where there would be nothing of an attractive character to occupy their time and attention.

2064. You stated that your offices are in Essex-street. Do you suffer very much from fog in Essex-street?—I have been in the same offices for upwards of 30 years, and do not experience the least inconvenience from that cause.

2065. You do not agree with Mr. Field, that the courts there would generally be enveloped by a fog?—Physically not; professionally, perhaps, we may not be so clear of fog in our district. But between the two sites there is not the east ground for any such a pprehension.

2066. And from your experience of the law, do you think that in the event of the Law Courts being placed on the Embankment site, the solicitors would do, as Mr. Whitmore has just stated to the Committee, aggregate as it were round the Law Courts, and that they would occupy chambers which might be built upon the present Carey-street site and other parts of that neighbourhood?—Yes; I venture to think that the first proposal of the Carey-street site had in it a most inherent defect. If the courts be concentrated, I think it most desirable to have facilities for solicitors and barristers living in the neighbourhood of the courts, and I therefore look forward to the suggestion made for putting the courts on the Embankment as most desirable, as affording the barristers and solicitors the opportunity of having chambers on the Carey-street site; so long as the different courts held in London are spread over it as they are, of course the barristers and solicitors practising in those various courts will suffer great inconvenience. But when these courts are concentrated, I think it follows that there must be some accommodation for barristers and solicitors to live in the neighbourhood.

2067. You think that the very fact of the Carey-street site having been cleared is in that view an advantage?—Yes; and I cannot conceive any more advantageous use to which that site can be turned. I am speaking personally, because my firm will be turned out of Essex-street, to our great inconvenience, and we do not know where to go. I think that the construction of offices on that site will be a main element of the advantages in the Embankment site.

2068. Sir *William Tite.*] Where are your chambers in Essex-street?—No. 20, about midway on the west side.

2069. And they are convenient, I suppose?—I have two houses there, which are almost entirely devoted to our business.

2070. And they would be destroyed by these improvements?—I am sorry to say they would.

2071. You think that it would be a reasonable thing to provide accommodation for you and other solicitors who would occupy chambers on a site like that of Carey-street?—I cannot conceive a more profitable application of that land than to apply it to building offices for solicitors and barristers.

2072. Mr. *Mowbray.*] You have heard of the proposal to make an arcade on the west side of Essex-street?—I have.

2073. Do you think that it would be an advantage to have chambers in that arcade?—I think it is always an advantage, if the courts be there; I think that the barristers will feel that especially.

2074. You think, in fact, that the arcade would be such a convenience that chambers would command a higher rent in the arcade?—I have not the slightest doubt whatever about it; any sum, almost, in that neighbourhood.

2075. Earl *Grosvenor.*] Is the gradient very steep in Essex-street as far as the lower end?—I should calculate it is about three feet fall from the Strand to the lower part of Essex-street. Then there are steps which lead down to the Thames afterwards.

2076. Sir *William Tite.*] You never felt the gradient a very important matter?—Not the least.

2077. Mr. *Mowbray.*] The question of gradient is a future one?—So I understood.

2078. At present there is a very slight gradient, and several steps below?—I do not think that the question of a few steps is of any consequence either one way or the other.

2079. Mr. *Osborne Morgan.*] Are your offices your own?—We hold them under a lease for about 30 years. No compensation that can be given to us under any ordinary rule would compensate

us for having to look after offices pending the construction of the courts and chambers.

2080. With regard to the accessibility of these courts to the general public, do you not think that the disadvantage of bringing a number of curious and idle people to the courts, by making them accessible, would be a set-off against the advantage of making them accessible to witnesses and jurors?—I confess that I do not.

2081. Have you never found your way into court blocked up by a number of loungers?—No; some causes of interest arise in the London courts the same as on the country assizes, but when the courts sit continously, that could only be an exceptional thing.

2082. On cold days in winter have you not found people coming to the courts, not because they have any business there, but to get themselves warm?—I have never found any inconvenience myself from that.

2083. You never found the approaches to the courts blocked up?—Not any more than I should have found it in other public buildings; churches, picture galleries, or buildings of that kind.

2084. Have you noticed people who have no business in the courts hanging about them?—Yes; I think the general public take an interest in the common-law courts.

2085. I mean people who come from mere curiosity?—I think that there is a great mass of the general public who come from mere curiosity, but I never experienced any inconvenience from their presence.

2086. Of course the more accessible you made the Courts of Justice, the more likely you would be to attract them?—I think that would follow.

2087. Have you ever estimated the proportion which persons belonging to both parts of the profession attending the courts bear to the general public?—No, I have not; I was going to venture to suggest to the Committee that they might ask for a return of the causes heard in the common law courts, and those heard in the Courts of Chancery. Perhaps one of the associates could give the return for the common law courts, and one of the registrars in the Court of Chancery could give a return of the causes in Chancery. An estimate might then be made of the number of the public who attend those causes. I think it will be found that the attendance of the public in a large proportion, is in favour of the common law courts over the Chancery Courts.

2088. In the case of witnesses, is it not the practice before the witnesses go to court, to bring them to the solicitor's office to collect them there?—No, we do not do that; we see them always prior to the cause coming on, but then we order them to meet at a particular place at the courts.

2089. But I suppose that you would never think of allowing one of your witnesses to go into court without having him at your office previously, and examining him as to what he is going to say?—Or at his own residence.

2090. It would be more convenient for you to have him at your office?—Yes, as far as my convenience goes; but we do not always find that practicable.

2091. Mr. *Goldney.*] You think that the Carey-street site would be a great inconvenience to people in the Temple crossing the Strand, without any bridge?—I think it would.

2092. And if the offices were built there, and the courts were on the Embankment, the same inconvenience would arise?—To the solicitors who resided on the north side, clearly.

2093. You have said that the Carey-street site would be a convenience to barristers; do not you think that a convenience to barristers means, practically, an advantage to suitors?—Well, it does to a certain degree, not to the absorption of the whole of the advantages.

2094. What do the persons who are witnesses and jurors in attendance at the courts in Westminster do in their spare time now?—They walk up and down Westminster Hall.

2095. Do they come out in the gardens that are put outside in the space there?—I was not aware of any gardens.

2096. I mean the gardens near Old Palace-yard?—I think not.

2097. Do not you think that the greater part of them remain in court, when once they have been brought there, and see what is going on?—Not the greater part; many do, no doubt.

2098. You said that you did not consider the steps of any importance; have you looked at the plans on the Embankment site; do you know what number of steps it would be from the court to the gardens?—No. I have seen the plan; but when persons are going for recreation I do not think that a question of 10 or 20 steps is any consideration.

2099. But when it comes to 120 steps, if the cause were coming on suddenly, it would be a matter of time as well as of convenience?—Clearly; but the advantage gained by giving accessibility to an agreeable promenade for witnesses is a great thing.

2100. Supposing that the witnesses were required to wait, you say that it would be an advantage to have the courts there in order that they might have recreation and pleasure while waiting; but the question is, whether if there were 120 steps for some one to go down to call, and then for them to get up to the courts, that would not be an inconvenience?—But probably you are aware that the moment a cause is called on the witnesses are immediately ordered to be in attendance at the court, and there would be time, therefore, to get them there.

2101. Your advantage would be merely for causes before they were called on?—In anticipation of causes being called on.

2102. You think that those witnesses would prefer waiting out of court to waiting in court?—I am sure the great majority would.

2103. You think that the proximity of the business chambers to the courts is of great importance?—I think that it is very important to the principal firms in London.

Tuesday, 20th July 1869.

MEMBERS PRESENT:

Mr. Bentinck.	Mr. Hunt.
Mr. Chancellor of the Exchequer.	Mr. Layard.
Mr. W. Cowper.	Lord John Manners.
Viscount Enfield.	Mr. Mowbray.
Mr. Goldney.	Mr. Osborne Morgan.
Earl Grosvenor.	Lord Stanley.
Mr. Beresford Hope.	Sir William Tite.

THE RIGHT HON. LORD STANLEY, IN THE CHAIR.

Mr. PHILIP CHARLES HARDWICK, called in; and Examined.

Mr. *P. C. Hardwick.*

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2104. *Chairman.*] WE understand that you are the Architect of the Law Institution; is that so?—I am.

2105. And I suppose that you have been in communication with the members of that body on the subject of the best site for the Law Courts?—I have.

2106. Their buildings, as I understand, immediately adjoin the proposed site in Carey-street?—Their building is on the opposite side of Bell-yard.

2107. Your attention has therefore necessarily been a good deal called to this question?—It has.

2108. And we understand that you have formed a decided opinion upon it?—I have.

2109. Will you state generally what that opinion is, and what are the reasons that have led you to it?—I think that it would be convenient if I were to divide the whole question into four parts; that is what occurred to me as being the clearest way of approaching the subject; and I would suggest that those four heads should be, first of all, the approaches; secondly, the question which site would give the greatest amount of light, quiet, and air; thirdly, the cost; and fourthly, what would be the architectural effect of the building, not only as far as the building itself is concerned, but also as far as its effect as a decoration of London goes. With regard to the approaches, it will be very much better, I think, to separate that question into two parts, and to consider first, what would be necessary to improve the more distant access to the building; and secondly, what would be necessary immediately surrounding the building. Now it appears to me that whether the Courts of Justice are placed upon the Embankment site or upon the Carey-street site, it will be absolutely necessary for the convenience of the public, that the Strand should be widened to the west, and that there should also be an improved access from the north from Lincoln's Inn-fields; and certainly if the Carey-street site is selected, it will be very desirable to have a street somewhere about the present Essex-street; but those approaches appear to me to be common to both sites, and the selection of either one or the other does not really affect them. I do not think that a large building of this sort could be properly got at unless there are at least two improvements, that is, the block of buildings between Holywell-street and the Strand removed, and also a proper thoroughfare made up to Holborn through Lincoln's Inn-fields, either at the north-western or the north-eastern angle. That I take it would be agreed to on all hands. I do not think, therefore, that that affects really the question of these two sites. Then, with reference to the approaches themselves immediately around the building, I really see very little difference between the two sites. Mr. Street proposes to widen Howard-street for the Embankment site, and to make a new Essex-street. Those will make two very good streets, and I believe quite sufficient for all purposes. On the Carey-street site there is the Strand on one side, which is wide at that point; Mr. Street proposes to widen Bell-yard; and there is Carey-street on the north; and I believe myself that those three streets would provide perfectly sufficient access for carriages to go to the Courts of Justice. And I am inclined to think, from what I have read, and from what I have heard, that many persons are apt to exaggerate the number of vehicles going to the Courts of Justice. Any person who has been compelled to go there, as I have, as a witness from time to time, whether at Westminster or Lincoln's Inn, must have noticed that there are very few carriages going to the courts of law, and that the great majority of the professional public who frequent them go on foot; and, therefore, I do not think it so very important that very large spaces should be provided round the building for the purpose of accommodating carriages.

2110. Sir *William Tite.*] That applies to either site?—That applies to either site; both plans seem to me to provide sufficient accommodation for the carriage traffic to the Courts of Justice.

2111. *Chairman.*] You contend, in fact, that a very large amount of carriage traffic is not to expected?—It is not to be expected. I think that there will be a still less carriage traffic if the courts were all condensed on the north side of the Strand, because there is a plan which I have seen, showing the residences or offices of most of the

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the solicitors; and they, in a great majority, are to the north of the Carey-street site, and therefore those who now have to go to Westminster in carriages would then go on foot. Whilst on the subject of approaches, I think I ought to say that it occurs to me that placing such a great thoroughfare as the Strand must always remain between the large body of gentlemen living about Lincoln's Inn, and to the north, and east, and north-west, and the Courts of Justice, must entail upon them very considerable inconvenience. I notice that Mr. Street, in his report, foresees that inconvenience, and that he endeavours to get over it by proposing an underground passage and a bridge across the Strand. However skilfully he may treat either of those means, I cannot but think that they would be attended with very considerable inconvenience. It is a very common practice now in railways to have tunnels underneath, to go from one side of the station to the other, or to have bridges, and everybody who travels much by railway would know the great inconvenience of adopting either expedient; I mean, of course, in comparison with the power of walking straight along a street up to the building to which you are going.

2112. But that applies equally to both sites, does it not. If the courts are to be south of the Strand, those who live near Lincoln's Inn will have to cross the Strand to attend them; and if on the other hand they are on the Carey-street site, all those resident in the Temple will have to cross to that site?—I think that there is this difference: first, I apprehend that there would be far fewer persons coming from the south of the Strand to Carey-street than from the north of the Strand to the Embankment site; and further, inasmuch as the Temple is at a much lower level than Carey-street, it would be obviously easier to go through a tunnel under the Strand, and rise to Carey-street; you must rise, anyhow, from the Temple or the Thames Embankment up to Carey-street, and, therefore, you would not require to go up to go down again; whereas if you come from Carey-street down to the lower level of the Howard-street site, you must either go down to go up, or go up to go down. I should apprehend, too, that there would be some little objection to the position of the railway station. I do not quite see how it is contemplated to prevent persons passing through, at any rate, part of the building; I mean that if the ordinary public coming along the Strand want to go down to the railway station, I see no means of preventing them from going through the building appropriated to the Courts of Justice, and so crowding it, although they have no business whatever there.

2113. That would be only foot traffic?—Only foot traffic.

2114. Do you conceive that that would create any considerable noise and disturbance?—Not noise and disturbance; but I think that it is undesirable to load even the great hall or the courts with persons who really have no occupation there; that is all that has occurred to me about the approaches. The next point that I considered was the light, and air, and quiet.

2115. And in that respect do you consider that the Carey-street site has the superiority?—No; I think that in that respect both sites are excellent; the space is so large that I cannot conceive that there would be any difficulty in obtaining an abundance of light to every room in a building constructed upon either site.

2116. Then you do not consider that the neighbourhood of the Embankment, and the access to the river, gives any superiority to that site in point of light?—Not in point of light.

2117. In point of ventilation?—I do not think that the difficulties of ventilating a large building, would be at all diminished by placing it on the Embankment.

2118. Then, as I understand you, you contend only that in that respect the two sites are upon an equality?—I think so.

2119. And there is no superiority?—I do not think so; stress has been laid upon the reflected light from the river. Now, I think myself, that as a rule, light reflected from a surface below the eye, is an extremely uncomfortable one. The most agreeable mode of lighting a room, is from the top, not from the bottom; but that reflected light would only be obtained by the windows placed as these are (*pointing to the plan*) immediately opposite the River; it could not affect any of the rooms within the centre of the building.

3120. Have you considered at all the question of the neighbourhood of Carey-street, the quantity of buildings of a very low and poor character, immediately adjoining the building, as affecting the ventilation and the purity of the air?—With regard to the purity of the air, of course it is very difficult to pass an opinion about that, unless it were tested, but I should doubt very much whether any difference would be found in that respect in the two sites. Supposing that one building were taken on one site, and one building on the other, I am inclined to think from what I know of that subject generally in London, that you would find the purity of the air very much the same in the two cases, and I would make the same remark with regard to noise. It appears to me that the building on the Carey-street site would be so far removed from the Strand, that with the exception of the buildings immediately abutting upon the Strand, the noise would not be at all inconvenient.

2121. You think that from the extent of the building, there would be no inconvenience suffered from that respect?—I think that from the distance the great body of the building is from the Strand, the noise of the traffic in the Strand would not be a disturbance.

2122. That it is large enough, in point of fact, to protect itself from any disturbance outside?—Yes. Then I would say one word about cost. I have made no estimate at all of the value of this property, but as I was asked to direct my attention to it, I have done so as best I could; and I would merely remark that, with regard to cost, it would appear from the figures which I have seen that the purchase of the Embankment site must involve a considerable loss to the country.

2123. Do you mean the re-sale of the Carey-street site?—Including the sum which would be obtained for that, according to Mr. Pownall's valuation, which I must say I think a very fair one; that has cost about 800,000*l.*, and deducting the sum at which Mr. Pownall estimates its value, what Government would recover for it would leave a loss of 436,000*l.* I do not see myself how that loss can be met in any way.

2124. You are aware that it has been stated that that land on the Carey-street site, if retained in the hands of the State can be let at the rate to bring three per cent. upon the capital?

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capital?—That is contained in Mr. Hunt's letter, I think. If it were so it would be quite contrary to the experience that I have had with regard to property in London, because when you purchase property of any large extent and remove the buildings upon it, I do not know of any case where it can be resold except at a considerable sacrifice. If it is a small property abutting upon a great thoroughfare, where very often the land is of such great value that it answers your purpose to pull down the house and relet the land at a very considerable increase even upon the rack rent of the house which formerly stood there, that is another matter; but that only applies to great thoroughfares, and certainly, I think, never can be taken to apply to anything like the area cleared on Carey-street.

2125. You would assume, as a matter of course, irrespective of any peculiarities of this site, that when land is purchased compulsorily, and the buildings upon it pulled down, and other buildings put in their place, there must be a loss upon that transaction?—I think so, in every part of London. The 3 per cent. that Mr. Hunt talks of, would be about 24,000*l.* a year, and that would make 3,200*l.* per annum per acre. It seems to me a very large return indeed to anticipate. Of course I do not go into the question of the loss of the time that it would take to produce that; that is hardly worth considering. But a large portion of this land, if it is to be covered with houses containing chambers, must be given up to streets, and that is all included in this return; therefore the actual return from the land on which the houses would be built of course would require to be much more than 3,200*l.* per annum per acre. And further, I doubt myself, from what little experience I have had in this neighbourhood, whether there is that large demand for chambers. I know that occasionally I have been consulted with reference to chambers even in Lincoln's Inn Fields, and there has been a great difficulty in letting them. That is not my business, but still I have been occasionally asked what I should recommend persons to do with their property, and I know that there has been great difficulty in obtaining tenants; and I did not hear that the solicitors and barristers living in Carey-street, who were turned out of their chambers, had any great difficulty in getting accommodation elsewhere. Of course I know that there is a great pressure within the precincts of Lincoln's Inn and the Temple, but that obviously is from other reasons; I am speaking generally of the neighbourhood of Carey-street.

2126. Do you consider that, apart from any loss that might be involved in the re-sale or disposal of the Carey-street site, the site proposed upon the Embankment is an expensive one?—Does your Lordship speak of the construction of the building or of the clearing of the site.

2127. I mean the site?—I should think that the cost of clearing the Howard-street site would be, acre per acre, much about the same thing as that of clearing the Carey-street site. The property has much about the same character. I do not suppose that there would be any greater difficulties, or that it would involve any greater expense, acre per acre, in the one case than in the other.

2128. In the event of any extension being required beyond the limits of the site at present proposed, I presume that that land would be very costly?—I should think not at all, more than what has been already paid for the Carey-street site. It seems to me that in that respect the two sites are very much upon an equality. If the Embankment site is found too small, property to the north must be purchased.

2129. That is the property to which I refer; is it not considerably more valuable than that which surrounds Carey-street?—I should think that it was of the two. I apprehend that the Clement's Inn district would be cheaper than the houses between Howard-street and the Strand; but I take it that, assuming that Mr. Pownall is correct, the Carey-street site (looking at it in the broadest possible way) has cost nearly 800,000*l.*, and that the Howard-street site would cost about the same sum; and therefore, supposing that the Embankment site were taken, the loss really is, in round numbers, the difference between what has been paid for the Carey-street site and what would be returned to the country; and that, I take it, would be somewhere between 400,000*l.* and 500,000*l.*

2130. Is there anything more that it occurs to you to say as to the question of cost?—Nothing.

2131. Will you proceed to your next point?—My only remaining point is the architectural effect of the building. There is no question that the Howard-street site is a magnificent position for any public building; Somerset House shows one that; and it is always an advantage to have the base of a building seen; and I do not think that any architect would take the slightest objection, looking at his work as a work of art, to the Embankment site; and there is no doubt that the building would be better seen there by persons going along the River and going along the Embankment, considering it as a means of decorating the Metropolis. But then, on the other hand (I am now putting convenience altogether out of the question, and looking at the thing merely as a work of art), I do not think that it can be disputed that the Carey-street site would have these two great advantages: first, it is situated on the north side of one of our greatest thoroughfares, which must always remain the greatest thoroughfare; and I suppose that the number of persons either in carriages or on foot, passing along the Embankment will be infinitely less than of those passing along the Strand.

2132. Do you think that that would be so, including those travelling by railway and using stations close to the Embankment?—I should think so. I see that Mr. Street, in his report, does not contemplate that the Embankment will be very much used for carriages; whereas the Strand, I presume, always must remain the great thoroughfare of London. Therefore it is obvious that far more persons would see the building in its entirety if it were placed on the Strand than would see it if it were placed on the Embankment.

2133. Do you include in that comparison the number of persons who go up and down the river in steamboats?—I think that that is very small, except just in the summer months; and I am inclined to think that it will be smaller when the railway is made. There is a loss of time in going by boat, as I myself know, from the City to Westminster. Then again there is another point in favour of the Carey-street site, in regard to its position for the building, and that is that it is at a great elevation; I think some 23 feet, Mr. Street gives it, if I recollect rightly, above the other

other. Whatever it is, it is of course, all in favour of the building being better seen from a distance; therefore, considered as an ornament to London, to form one of the great groups of large public buildings, such as St. Paul's and the Houses of Parliament, and so on, which are seen from a distance, certainly it is advisable, as I think, looking at it merely as a work of art, that it should be placed upon the highest possible elevation. And further, I think another thing ought not to be lost sight of. I have spoken about the advantage of seeing the base line of the building on the Embankment site; but I walked the other day on purpose to look at this very point along the Embankment, and I noticed that the bridges would prevent your seeing the base line of that building until you came close to it; so that that advantage of seeing the base line is one which is more apparent than real, in fact (I am speaking now principally of those persons who come from the west), and really the best possible place for seeing that building would be from the river, and there I fear it will be seen, as I have said just now, by a very few persons indeed; whereas if it were north of the Strand, hundreds of thousands would see it every day from the Strand.

2134. I presume that there would be a partial view of the building if constructed upon the Embankment site, from the Strand down the streets leading to it?—You would then be so close to the houses in the Strand that they would effectually cut off from view the perspective of the building until you saw it through one of those narrow streets, which would give you only a fragment of the elevation.

2135. But comparing the two sites in that respect, would not three fronts out of four of the Carey-street site be almost invisible?—No, they would not be at all invisible; they would not be seen all at once from Lincoln's Inn, but they would be seen by persons walking along Serle-street, just as the building on the other site would be seen from Howard-street and Essex-street. There are two ways of looking at a building; one is as it is seen from a distance, to catch the grouping of the sky-line, and the other is to see it in sharp perspective; and most architects will tell you that they generally design their buildings to be seen from both points of view; that is to say, they make a broken sky-line, and they make also an effective picturesque building to be seen from a narrow street.

2136. Then do I rightly understand you to put it, that as regards their being seen, the two sites would be nearly on an equality?—Very nearly; I think it should be fairly stated that there is little to choose between them. I honestly confess that the more effective of the two, I think, perhaps might be the Carey-street site; the building there would be seen by more persons, and so on.

2137. Mr. *Layard.*] In speaking of the Carey-street site, is it with reference to Mr. Street's plan that you speak, or with reference to any other plan that you may yourself have devised?—I have devised none.

2138. Then you are merely now speaking of the Carey-street site as proposed to be used by Mr. Street in his plan for the Law Courts?—The only plans which I have seen are those attached to Mr. Street's report, with the exception of that general plan to which I have alluded, about the residences of the solicitors, which I saw the other day for the first time. I have seen no other plan for the building but those attached to Mr. Street's report.

2139. Then you think that the Law Courts, as designed by Mr. Street could be placed upon the Carey-street site without clearing away any of the surrounding buildings?—That is a question that I cannot answer, because I have not gone into the details of his plan at all. It would be impossible for me to say whether his buildings, or what he has to provide in that building can be placed on one site better than on another without going into the details, which I have had no opportunity of doing.

2140. What you mean is, that a building, without reference to the accommodation that it would afford, could be placed on the Carey-street site without clearing away the surrounding buildings?—The areas of the two sites are very nearly the same without clearing away additional buildings.

2141. I want to know whether you have studied the question with reference to the accommodation required for the new Law Courts?—No; I have had no opportunity of doing so.

2142. All that you mean is that a building, without reference to accommodation, could possibly be placed on the Carey-street site without requiring any clearing away of the surrounding buildings?—Mr. Street shows us that; he has done it by his plan.

2143. But Mr. Street states that he cannot put his building there without clearing away the surrounding buildings; do you agree or differ with him in that?—I have had no opportunity of agreeing or differing.

2144. You do not know the requirements of the building which is to be placed there?—No; I never even read the instructions to the architects.

2145. You say that as regards approaches to the two sites they would be practically the same; and you take Carey-street as the northern approach to the Carey-street site and the Strand as the southern; may I ask you how you would get to Carey-street?—I think I mentioned that it would be necessary to improve the thoroughfare from Carey-street, northwards.

2146. How would you improve that thoroughfare?—That I should improve by widening Serle-street.

2147. That brings you into Lincoln's Inn-fields?—Yes.

2148. How would you get into Lincoln's Inn-fields?—I should carry a line of street in the direction of Serle-street, and project it into Holborn.

2149. If the Law Courts are upon the Carey-street site, that access will be necessary?—Yes.

2150. And would actually depend upon the fact of the Law Courts being on the Carey-street site?—Yes.

2151. But supposing the Law Courts to be upon the Howard-street site, would not that access be a metropolitan improvement, and not depend upon the Law Courts?—No; I think that would be equally necessary, whether the courts of justice were placed on one site or the other. In one sense it would be more necessary if they were placed on the Embankment site, because I apprehend that more persons would use carriages to go there (I am speaking of the professional public) than if the building were placed upon the Carey-street site.

2152. I thought you stated to the Committee that carriages were very seldom used at all by

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persons going to the courts of law?—That is to say, only a certain number would be used; but more would be used to go to the Embankment site than to the Carey-street site, because I think that many men, rather than run the gauntlet of the Strand, with a quantity of papers, and so on, coming from their offices round Lincoln's Inn and to the north of Lincoln's Inn, would take a cab; and it would make a great difference to them having to cross the Strand.

2153. Do you think that anyone would take a cab from Lincoln's Inn to Howard-street?—I think that anyone that had a large quantity of papers would.

2154. It depends upon his papers, then, and not upon the distance?—I do not think that the mere distance would make much difference if there were no obstruction.

2155. You have assumed that a larger number of people would come to the Law Courts from the north than from the south; upon what ground do you assume that?—I assume that because there are very few offices indeed between the Strand and the River in comparison to the number between the Strand and the district of Russell-square up to the Gray's Inn-road. There are a very large number of persons living there who would have to make use of the courts of justice, a far larger number than those living to the south of the Strand.

2156. Are you aware that tables have been submitted to this Committee which show that there is a very large majority of solicitors and barristers living to the south of the Strand, and to east and west of the Howard-street site, as compared with those living north?—No, I was not aware of that.

2157. You have never gone into this question?—No.

2158. As regards suitors, witnesses, jurors, and the public; which would be most convenient; access by road, river, and rail, such as there would be on the Embankment, or by the Strand?—The access by the Strand, I think, would be most convenient for the large majority of persons who would go to the Courts of Justice. I must say that I do not think you would find persons who would take the trouble to go to a railway station except persons coming from a great distance.

2159. But suppose that the railway station, as proposed by Mr. Street, were on the site itself?—I am speaking of the railway station at the other end.

2160. For instance, taking persons from the City; jurors, witnesses, and the legal profession; would it not be more convenient to them to take such a broad street as would run from the Mansion House to the Howard-street site, or the railway, than to come by Fleet-street and the Strand—I think that it would depend upon where their offices were placed; if they were close to the railway station, they would make use of the railway, or if they were on the banks of the river they would come by the Embankment.

2161. I suppose that you know, for instance, the house of Messrs. Freshfield, in the City?—Yes.

2162. Which would be the most convenient access to the courts for them?—They would come by the new street probably, as very convenient to them.

2163. Are not the larger number of professional men in the City, grouped round the Exchange and the Bank of England?—Yes; but I should think that City solicitors live very much to the north of the Bank of England, and east of it.

2164. Then they would have the Moorgate-street Station?—Yes, they would have the Moorgate-street Station.

2165. But as regards jurors and witnesses, and people having business in the courts, surely it would be a less expensive and a more convenient way for them to come by rail than by a cab through the crowded streets?—Yes, no question. A juror coming up the river from a distance, say Gravesend, would probably come by a steamboat, make his way to Essex-street, and pass up Essex-street, and there he would be at the courts; but he might also go up Essex-street to Carey-street perfectly well.

2166. You have stated that you believe that the Strand will always remain the great thoroughfore of London; upon what grounds do you form that opinion?—I think you will find generally, that a large street in any town in which good shops are, placed on each side, especially if it leads directly from one extreme point of the town to the other, becomes a great thoroughfare.

2167. But with regard to people having business and requiring to save time, surely they would prefer coming by a long open street, rather than through narrow crowded streets?—To go from one extreme point to the other, no doubt they would.

2168. And you assume too that that block of buildings between Holywell-street and the Strand must be cleared away?—It ought to be cleared away.

2169. You have assumed that Mr. Pownall's estimate for the Howard-street site is correct, and upon that assumption you have taken the cost of the two sites as equal. May I ask whether you are aware that Mr. Pownall has admitted that his estimate was founded on incorrect data?—No.

2170. Are you aware that Mr. Hunt has shown that Mr. Pownall has assumed that he wishes to take possession of land, which he did not contemplate taking?—No.

2171. You have merely taken the Law Institution's statement of Mr. Pownall's estimate?—I have merely taken the paper addressed to the President of the Incorporated Law Society.

2172. You have assumed that Mr. Pownall is correct in stating that Government could only re-sell the Carey-street site for 364,000 *l.*?—Yes, I have assumed that to be correct.

2173. Are you aware that Mr. Hunt has stated to the Committee that offers upon a much larger basis have actually been made to the Government?—He hints at that in his report, but he does not give anything definite, he merely says that he has had an offer from some unnamed persons, amounting to three per cent. upon the outlay.

2174. Have you been in the habit of having business relations with Mr. Hunt?—Yes.

2175. Have you found him generally accurate in his estimates?—Very accurate.

2176. You have stated that in no case as far as you are aware, could ground such as the Carey-street site, if purchased, be resold except at a very great loss?—Not a large area of ground, I am not speaking of small plots of ground near great thoroughfares.

2177. Are

2177. Are you acquainted with a company called the Cooks'-court company?—No.

2178. You are not aware that they propose to purchase a considerable plot of ground from the Government at the price which the Government might pay for it?—I am not aware of that.

2179. You have stated as one cause of great loss in the re-sale, that there will be the necessity of making a street through the Carey-street site?—Supposing the ground were built upon you mean. That is not exactly what I said; what I said was, that supposing that ordinary dwelling-houses were to be built upon that seven acres, a certain amount of the land must be devoted for streets.

2180. But I presume that streets existed upon that site when it was purchased?—Principally narrow courts.

2181. But a good many?—A good many.

2182. Are you aware that, according to the plan of Mr. Street, and, indeed, of Mr. Hunt, it is proposed to carry only one wide street through the Carey-street site, uniting Essex-street with Serle-street?—I am not speaking of any street which may be necessary to connect one great thoroughfare with the other, but I am speaking of treating the land for building purposes, and I say that you must have streets for frontages.

2183. But in dealing with that land, supposing chambers to be erected on it, you would have a most convenient opportunity for making such a street?—Certainly.

2184. You have stated to the Committee that you think it necessary that Essex-street should be widened whichever site is adopted?—I think it most desirable under any circumstances.

2185. You stated that one of the objections, in your opinion, to the Howard-street site would be, that persons on foot going to the railway station would make use of the great Central Hall as a thoroughfare?—I think it very likely that they would cut across through the building, unless means were taken to prevent them.

2186. Then you are not aware that Mr. Street stated to the Committee that he had taken means that would make it extremely difficult for persons to do that?—No, I have not been present during his examination.

2187. Have you examined Mr. Street's plans thoroughly?—Not the details of them.

2188. What you have stated is merely conjecture?—Merely what I think might happen to any building set in that position.

2189. You have stated that the ground line of the building on the Howard-street site would not be seen from any distance?—I said that the bridges would prevent you from seeing the base of the building until you came close this side of Waterloo Bridge.

2190. You would see it from the bridges; Waterloo Bridge, for instance?—Certainly.

2191. You stated also that Somerset House is one of the greatest ornaments of the Metropolis?—Yes.

2192. But does not the same remark apply to Somerset House as would apply to any other building in a line with Somerset House?—Certainly.

2193. Therefore that is not an objection to Somerset House?—It is only so far an objection that it would be very much better if one could see the base of Somerset House; but Somerset House was specially designed to terminate at the level of Waterloo Bridge. I am speaking of the level in point of height.

2194. You stated that as far as a distant view is concerned, the Carey-street site would have a very great advantage?—I did not say very great; I said that it would have the advantage of being placed on a higher elevation.

2195. Supposing that such a railway station were placed on the Howard-street site, as we see at Charing Cross and Cannon-street what would then be the distant view of Carey-street?—Still at a distance it would be seen.

2196. Behind such a building as we have at Charing Cross?—At a distance; it is a mere question of position.

2197. Have you taken into consideration the great convenience of the River as a means of transporting building materials for erecting an edifice upon the Howard-street site?—No, I have not.

2198. Perhaps you are not aware that Mr. Street has stated that that would make a very considerable per-centage of reduction in the expense?—In saving the carting from the River up to Carey-street?

2199. That you might bring materials at a much cheaper rate to the Embankment?—It is a mere question of cartage, I apprehend, from the River up to Carey-street.

2200. You are not prepared to give an opinion upon that?—Not at all.

2201. You speak of Bell-yard as a thoroughfare; supposing the Law Courts were placed on the Carey-street site, are you aware what the width at Bell-yard would be according to Mr. Street's plan, or according to Mr. Burnet's plan?—Mr. Burnet's plan I do not know; Mr. Street's plan I have here (*the Witness measured it on the plan*). The smallest distance from building to building is about 45 feet.

2202. Are you aware that Mr. Street has stated that it would be absolutely necessary to open a communication between Bell-yard and Chancery-lane, to the south of the Law Institution?—No, I am not aware of that.

2203. Do you think that it would be necessary?—It would be desirable.

2204. And then of course that must be added to the cost of the Carey-street site?—Certainly.

2205. I think you said that you did not consider Clare Market, and the low squalid houses in the neighbourhood, as any objection to the Carey-street site?—I, myself, think that Clare Market is too far off to affect the building.

2206. Is it your opinion, as an architect, that, in regard to approaches, light, and ventilation, the two sites are equal?—I really think so.

2207. Supposing that you had, as an architect, the choice of the two sites to erect a building on which your reputation should depend, which site would you have chosen?—I should feel great difficulty in saying which I should prefer for a building, looking at it as a work of art.

2208. Sir *William Tite.*] You gave an opinion as to relative advantages in respect of air, and so on, of the two sites; do you, or do you not think that having Somerset House on the one side of the Thames Embankment site, and the Temple Gardens on the other would be better for ventilation than the crowded and miserable population which surround the Carey-street site in all directions?—I think that the only real advantage in regard to air would be the fact of the current of air along the river.

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2209. You are probably aware that in the present state of our chemical knowledge we know nothing at all about it; and that at the time of the cholera raging in London, the chemists could not detect, by their analysis, the worst possible situations from the very best?—I am aware of that.

2210. And therefore we do not know much about that subject though we have learnt to detect fever raging in one place and not in another?—They can detect solid matter without difficulty.

2211. They cannot detect the causes of disease?—That is another thing.

2212. You have said that you abide by Mr. Pownall's estimate, though you know that Mr. Hunt is a man in the same position, and that his estimate is as likely to be correct as Mr. Pownall's; do you know with regard to investments in large buildings (not little matters), that the former Excise Office was entirely destroyed to the very foundations, that it was sold by auction, and that it has been rebuilt at a very great cost, so as to be almost an ornamental building, and has paid from 10 to 12 per cent. to those who did that?—I have heard so.

2213. Again, do you know that the East India House, when abandoned by the Government, was bought by tender from the present Council of India at a very large price, that it was equally destroyed (only the materials being of the least value, and then of very little value) to the very foundations, a large quantity of concrete placed in, and the whole building rebuilt handsomely, and that that pays 10 per cent.?—I have only heard so.

2214. What is the difference between those cases and the case we are now speaking of?—The great difference, I think, is in the positions of the three sites. The two buildings that you have alluded to, as every one knows, are in the heart of the City, and in that part of the City where land and buildings are very nearly of the very highest value. I doubt very much whether there would be anything like the same demand for chambers in buildings on the Carey-street site as there was in the case of those two buildings.

2215. But then that must affect very largely the original purchase, because those who sold those two sites must have been undoubtedly aware of those facts as well as you, and the price paid would be in proportion?—I have always heard that the two sites were purchased at a small cost; that is to say, that the value of the land was small. That may or may not be the case; still, there is no question that there was an immense presure at that time for offices in the City of London, and fortunately for the persons who invested their money in those two buildings, they were able to fill them immediately with tenants, I have heard, and they have never been empty since; I doubt very much, with deference to you, whether there would be the same demand for even a building of the same size, or two buildings of the size that you spoke of; whereas, here we have got a site very much larger, I apprehend, in area, than those two buildings put together.

2216. I suppose you know that the sum paid was something under 200,000*l.* in those two cases?—I do not recollect the figures, but certainly the two sites together are nothing like seven acres in extent.

2217. Were they not about that in extent?—Still I think that the relative position of the buildings in London makes an immense difference. I have had one or two cases of property in the City of London pass through my own hands, where it has fetched an enormous sum; but then that, as I said just now, was owing to its peculiar position; and to that peculiar position I think the great success of those two buildings which you have alluded to is due.

2218. Do you think that that remark applies to the Strand; do not you rather think that the value of everything in the Strand has increased enormously?—The value of the frontage of the Carey-street site towards the Strand will be very great indeed; but that forms a very small proportion indeed of the length of the frontage that would be produced by laying the whole site out for building.

2219. But compared with the two sites that we have been speaking of in the City, the frontage of the Carey-street site to the Strand would be double in extent, would it not?—I should think so.

2220. Mr. *Mowbray.*] You appear to consider that the traffic along the Embankment will always be inconsiderable?—"Inconsiderable" is too strong a word; I do not think that I made use of that word; but in comparison to the traffic along the Strand I think that it will always be very small.

2221. Do you think that you can appreciate in the present position of the Embankment, it being now only a foot way, what the traffic will be when the whole line is completed of the road from the Mansion House, and the Embankment from Blackfriars Bridge to Westminster Bridge?—I suppose there is no question that there will be a great traffic along the Embankment; but still I do not think that it will approach to the traffic along the Strand.

2222. You think that when the Embankment is completed from Westminster Bridge to Blackfriars Bridge it will not become a main artery for traffic from west to east?—I think not; I think that I quoted Mr. Street's words in which he made some allusion to the fact that the Embankment will not be such a very great thoroughfare for carriages.

2223. Have you considered that the effect which the stations of the Metropolitan Railway will have in bringing traffic along the Embankment?—There is no doubt that it will all tend to increase traffic, and as traffic increases year by year, still larger and larger traffic will be carried by its means.

2224. At any rate the embankment will be a wide and open space, available to bring suitors and the public, and professional persons to the courts if they are placed on the Embankment site?—Yes.

2225. You think that the traffic along the River in steamers is likely to diminish rather than to increase?—I should think so; I speak from my own use of the steamboat; I have had to come from the City to Westminster, and I do not find that it saves me time.

2226. Does not that depend upon whether you take an express boat or a stopping boat?—Yes.

2227. And upon the state of the tide?—To some extent upon the state of the tide; but I do not see them very much used except in the summer.

2228. Lord *John Manners.*] You have been asked

asked a question as to the character of the buildings in the neighbourhood of the Carey-street site, more especially with reference to Clare-market and the surrounding streets; they have been called low buildings; can you tell us whether they are low in height as well as quality, compared with the height of a great building placed on the Carey-street site, such as the Law Courts will be?—They are all very low as far as mere height goes.

2229. Perhaps in your opinion from their lowness in point of height they would not interfere with the ventilation or light of the proposed New Law Courts?—I do not think that they would form any obstruction whatever to either the light or the ventilation of the building.

2230. You have confirmed Mr. Pownall's estimate of the probable loss if the Carey-street site is resold, that is put I think at 436,000*l.*?—Yes.

2231. And you have given your reasons for agreeing with Mr. Pownall in that respect; are you aware that before Lord Elcho's Committee, Sir John Thwaites stated that the Metropolitan Board had found in their transactions that a similar loss was incurred?—I have always understood that you must always calculate upon a very large loss in re-letting these great areas when they are once cleared.

2232. But with respect to the East India House and the Excise Office, on which some questions have been put to you, those, I apprehend, belonged to, and were sold by departments of the Government?—The East India House was sold by the Council, and the Excise by the Government.

2233. In either of those cases would compensations to tenants, the purchase of goodwill, and so on, have to be included?—I had nothing to do myself personally with the sale or purchase of either of those buildings, but I believe that there were no interests whatever to be bought up; the buildings were sold *en bloc*, ground, bricks, and mortar and all; there were no tenants whatever.

2234. But in cases such as the purchase of the Carey-street site, and, indeed, all other large purchases of ordinary property in London, is not a very considerable item of the expenditure in the purchase derived from the necessity of giving considerable compensation to persons in business whom you drive out of their houses?—No question of it.

2235. Therefore we will go back, if you please, and will take your and Mr. Pownall's estimate, as probably a correct one, that there would be a probable loss of 436,000*l.* accruing on the resale of the Carey-street site; that sum, therefore, would be regarded probably as being in hand on a comparison of the cost of the two sites?—Certainly.

2236. Are you acquainted with the estimated cost of the additional 3½ acres which the Royal Commission recommended to be purchased for the purpose of improving the accesses to the Carey-street site?—No, I am not.

2237. We have it before us that the estimate is about 600,000*l.*; assuming that 600,000*l.* which has been estimated as the total value of the 3½ acres that the Royal Commission recommended to be purchased, that would give a little less than 200,000*l.* an acre?—Yes.

2238. Mr. Street has told us that of those 3½ acres he should estimate about one acre as being available for resale; what, therefore, may we assume as the total cost of the 3½ acres after the one acre has been resold?—It would be rather more than 400,000*l.*

2239. Therefore the loss on the Carey-street site would actually exceed the net cost of the purchase of the 3½ additional acres recommended by the Royal Commission for the original larger scheme of the Commission?—So it would appear, if those figures are correct.

2240. Are you aware that the larger scheme of the Royal Commission contemplated the concentration of all the probate registry offices on the Carey-street site?—Yes, I have heard that.

2241. And perhaps you are also aware that the reduced scheme of the Government proposes to exclude the Probate Registry offices?—Yes, I am aware of that.

2242. If the larger scheme therefore were carried out, there would be the whole of the land, the Government property in Great Knightrider-street, available for resale?—Yes.

2243. Therefore there would be the value of the property in Great Knightrider-street to be added to the saving in keeping the Carey-street site for the purposes of the Law Courts?—Clearly that would be an asset.

2244. With respect to the Strand, can you tell us on which side of the Strand, in front of the Carey-street site, the great stream of traffic, whether in carriages or on foot, at present goes; does it go on the north side of the Strand or on the south side?—Of the passenger traffic, I should think a very much larger proportion will go on the south, than will go on the north side.

2245. Therefore, for the purpose of viewing a great building, placed on the Carey-street site, the actual stream of traffic on the south side of the Strand would afford great facilities?—Yes.

2246. Then, with respect to the view of the north side, you have been asked if there would be any good view of the New Law Courts from Carey-street; according to the plans before this Committee, can you tell us whether the New Carey-street would be as wide as the New Howard-street on the north side of the building, if it is placed on the Embankment site (*the Witness measured it on the plan*)?—The scale here is very imperfect, but here is a slight advantage of a few feet in favour of Howard-street if this plan is correctly drawn; Carey-street, I see, is proposed to be 55 feet wide.

2247. Therefore, speaking roughly with respect to a view of the building from the northern approach, whether the building is placed on the Howard-street site or the Carey-street site, people from the north would have the same facilities for viewing it?—Very much the same.

2248. You have been asked some questions as to the possibility of placing the same building on the Carey-street site, as can be placed on the Embankment site; can you tell us how many acres there are on the present cleared Carey-street site?—No, I have not gone into that.

2249. We have it that it is 7½ acres on the Carey-street site, and that it is proposed to have 6½ acres on the Howard-street site; do you imagine, as an architect, that there would be any difficulty in placing any building with the same accommodation on the 7½ acres, that you can put on the 6½ acres?—I cannot conceive that there can be any difficulty at all in doing so; the sites are nearly the same, because the Howard-street site is not quite so deep, from north to south,

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south, as the Carey-street site, but it appears to me to be a little longer; there do not appear to me to be any special advantages in either site over the other, for the arrangement of the details of the building.

2250. If New Essex-street is made through the Carey-street site, and the New Law Courts are placed on the Embankment, to what would this New Essex-street lead, unless Serle-street is widened, and the Great Turnstile is opened?—If the Law Courts were built upon the Embankment, Essex-street would be very incomplete, unless it were carried right through to Holborn.

2251. Therefore, if the Law Courts are placed on the Embankment site and New Essex-street is made across the Carey-street site, in your opinion, it would be necessary to complete that street by opening the Great Turnstile and widening Serle-street, at any rate, at the bottom?—Certainly on whichever site the building is placed that improvement, which has been talked of as long as I can recollect, must be made.

2252. Now with respect to the estimate of the Howard-street side, at the commencement of your evidence you told us, I think, that as to the approaches to either site you put them on an equality; did you, in making that statement, assume that Essex-street would be widened throughout as an approach to the Thames Embankment site?—I take these plans of Mr. Street's for granted; that is, Howard-street widened as far as the three blocks of buildings go, indicated by those dotted lines on the north, and Essex-street widened on the east.

2253. And taking Mr. Street's plans you assume also that Mr. Pownall, in his estimate of 800,000*l.*, would not be far wrong?—No, it appears to me to be a very fair estimate.

2254. But from a question which has been put by the First Commissioner of Works, it would appear that the Government do not contemplate purchasing the whole and widening the whole of Essex-street; and by omitting that improvement the estimate might be brought down to something like 600,000*l.*?—Yes.

2255. Would you wish to qualify your statement as to the equality of the approaches to the two sites if Essex-street is not to be widened, according to Mr. Street's plan and Mr. Pownall's estimate?—If I am right in supposing that the great majority of persons will come from the north to the Courts of Justice, unless Essex-street is widened, the approaches to the Howard-street site are altogether inadequate, because there would be only Arundel-street and Norfolk-street left; Milford-street and Essex-street in its present position would be almost useless.

2256. You have been asked, if the New Law Courts were placed on the Carey-street site, and a great railway station were placed on the Embankment site, what would be the effect on the New Law Courts; but have you any reason to suppose that a great railway station is likely to be placed on the Howard-street site?—I have never heard it suggested.

2257. From your experience in these matters, does it occur to you as probable that a great railway station is likely to be placed on that site?—Very unlikely, after what we know of the history of railways in the last 10 years.

2258. Mr. *W. Cowper.*] In regard to the cases in the City, in which very large prices have been given for cleared land, was there not much greater competition for that cleared land than could be expected for the Carey-street site, if it were now to be sold?—The cases that I mention as having passed through my own hands were in very great thoroughfares, within a few hundred yards of the Bank of England, where the property a few years ago was at a perfectly fabulous price.

2259. And excluding from our consideration the frontage of the Strand, I would ask you, should you anticipate any very great competition for the remainder of the Carey-street site if it were now to be sold; would it be used, I mean, for many other purposes besides the one suggested, of dwellings for legal gentlemen?—I should doubt whether there would be any demand for shops, or whether there would be any demand for any trade purpose. Factories, I presume, would be out of the question, and as far as I know there is no demand for warehouses in that part of the town; therefore it must end in there being dwelling-houses, used, probably, almost exclusively as chambers.

2260. And then considering the large area that would be devoted to that purpose, do you think that there is a probability of such competition for chambers as would run up the price of that land to any artificial or special extent?—I think so much the contrary, that there would be great difficulty in getting rid of it.

2261. And I think that you founded that opinion partly upon the experience that you have had, that the legal gentlemen who were removed out of Carey-street had not any very great difficulty in finding other offices?—Those of whom I have any personal knowledge had no difficulty certainly.

2262. Was there a considerable amount paid for the good will of the shops in the Strand that were paid for the Carey-street site?—I had nothing to do with any of the shops in the Strand. A few cases were left to me as umpire for some of the houses in the other streets, but I had nothing to do with anything in the Strand.

2263. But should you say, from your knowledge of the property, that there must have been a considerable amount paid for goodwill for shops in the Strand which could not be recovered by a sale of the land?—Certainly, that all disappears; there is nothing to represent it when you only have the ground left you.

2264. Then too, if a street 60 feet wide is made across the Carey-street site, to unite Serle-street with the Strand, must not a loss of space accrue from that wide thoroughfare?—I think that that wide thoroughfare would be essential to the success of a building scheme on the Carey-street site, a large quantity of the land must be given up to streets, to produce the frontages and to make the houses take, that is to say, to make them answer their purpose a large area must be given up for public thoroughfares; we all know that a blind alley is a very great disadvantage to property.

2265. In comparing then the present value of the site with its value at the time it was purchased, have you not to consider that a great deal of space must now be devoted to streets, which was not so employed at the time when it was purchased, because the courts and alleys were peculiarly narrow?—They were peculiarly narrow, and I should think that a larger space must be given up for thoroughfares now than was the case before.

2266. Then are we to understand that from your general knowledge of the sale and purchase of

of land, you think it very unlikely that any company would actually be brought into living existence, who would be able to give three per cent. upon the cost of the ground, whatever may be the ideas at present put forward?—I should doubt whether any company could be found who would give a substantial guarantee that they would give a ground rent equal to three per cent. upon the 800,000*l.* A company might be formed, but whether it would be a substantial one is another matter.

2267. I think you stated that looking at the buildings architecturally, the near views of the building on either of the sites might be pretty equal, and that the difference to be considered with reference to the architectural character of the two sites must depend mainly upon the distant views. Which of the two distant views should you, on the whole, prefer; assuming that the building on the Carey-street site would reach in its highest point the top of the pinnacle of St. Paul's, and consequently would be seen in every part of London where the pinnacles of St. Paul's can be seen, should you think that a better site for distant views than a building so much lower as one on the Embankment site, which would only be seen advantageously in distant views from the south?—There would be just the difference of the difference of elevation; elevation is a very important ingredient in the effect of any great building from a distance; and by just so much as Carey-street is higher than the Embankment, by that much it would have the advantage.

2268. Would not the difference of elevation prevent the building on the Embankment from being seen from the north of London?—It would be seen from its being such a very lofty building, but not of course from so many points, or to so great an advantage as the building on the higher site.

2269. In considering ventilation, do you attach much importance to the height of the stratum of air that is breathed?—The higher you go, as a rule, the purer the air, unless there is some accidental circumstance to affect it, such as a chimney, or something of that sort.

2270. You have got to consider among the advantages of a building on the higher site, the superior purity of air that would reach it at that height?—I do not think that really you could say one would be purer than the other; they are so close together, and there is so little difference in the height, that I doubt very much whether any difference whatever would be found.

2271. Have you any experience of the character of the foreshore of the river to enable you to form an opinion as to the extent of expense that must be incurred in making the foundations of the Embankment site?—I have never built close to the Thames near the Strand. The only experience on the subject that I have had is in constructing the foundations for the City Gas Works, which are the other side of the Temple. I have had a good deal to do for them; they occupy about the same relative position to the river as the Embankment site; the lower part of the Embankment site, that is to say, not the upper.

2272. Therefore, probably, that would be a good guide as to the character of the soil near the actual foreshore of the Embankment site?—I should be prepared to find the two very much the same.

2273. And would you state what was the result of your experience in regard to the foundations of the City Gas Works?—I had to remove the whole of the soil to a depth of from 20 to 30 feet to form the foundations for those buildings. They require to be perfectly steady, because the least movement in the foundation would lead to very disastrous results. Therefore, I took a good deal of pains with their foundations from time to time; but there really is no difficulty about forming a foundation even in such a very unfavourable soil, full of water as it is, and consisting entirely of silt, because all you have to do is to put a sufficient quantity of concrete; it is a mere question of cost.

2274. And should you consider that it would be necessary to have concrete to the depth of 20 or 30 feet in that place?—I should think most probably.

2275. Earl *Grosvenor.*] With regard to the depreciation of the property on the Carey-street site, I think you stated that you actually think that the property on that site will be depreciated even when the Law Courts are built?—I think so.

2276. You say that the properties in the City which have been referred to the Excise Office, and the India House were sold for an enormous sum owing to their position; but do not you think that the case is almost parallel here, and that when the Law Courts are built, the surrounding property will be so much improved, and that there will be so much demand for law accommodation that the Carey-street site will fetch a very large sum?—The reason why I gave that answer just now was this; I think that it is known to everybody that the trade of London has enormously increased during the last 20 or 30 years, and that it has increased to a very much greater extent than the legal profession: now, unless the legal profession is to increase very much in number, and the legal business of the country to increase very rapidly, I do not think that it would be fair to take the increase of the trade of the City of London as a criterion at all of the extra demand that will arise during the next 20 years for chambers near the Law Courts.

2277. Do not you think that the legal gentlemen will be likely to concentrate themselves on this site when the Law Courts are concentrated there?—No doubt by degrees they would get as near as they could to the building where they were to pass the greater part of their life, but that would only be a gradual thing.

2278. Are you aware that the chambers in Lincoln's Inn are generally in a bad state?—I am not aware of it.

2279. Or those in the Temple?—I know nothing about the Temple.

2280. Are you aware that there is at present a considerable demand for chambers in Lincoln's Inn which cannot be met?—I am aware of it.

2281. One question with reference to the view. You stated that the view of the building to be erected in Carey-street will be seen in its entirety from the Strand. Now do you know what is the space from the Carey-street building to the south side of the Strand?—The front of the building according to Mr. Street's plan occupies, I think, very much the same position as the old line of buildings, except that the more lofty parts of his structure are placed at a distance from the Strand.

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2282. But still the Strand is very narrow along that frontage of the new building?—It is not narrow for the Strand; it is rather wider, I think, than in other parts; it is rather a little wider a little to the east of St. Clement Danes' Church.

2283. But do you think that from any point you will be able to get a good view of that façade?—I think that the moment you came along the Strand, when you got at all clear of the Holywell-street houses, you would see the new building very well.

2284. But coming from the east, you would get a very indifferent view of it?—Temple Bar cuts it off very much from the east.

2285. But from the crowded state of the Strand, both in the street part and on the foot pavement, do you think that it is possible that any one can stand and look at this building for one minute; is it not a matter of physical impossibility?—I should doubt that; persons do not stop to sketch buildings in the middle of the day in a crowded thoroughfare, but they might look at it very well from there.

2286. Do you think, as an architect, that the view from the Strand can compare for one moment with the view which would be obtained from the Embankment, from the bridges, Blackfriars and Waterloo, and from the boats, which carry thousands of people, and who would be able, having leisure, and sitting perfectly still on the steamboats, to look at the building carefully?—The Embankment site, when you come nearly opposite to it in steamboats, or seen from the bridges, is one of the finest in the world, no doubt.

2287. And when the building was erected on the Embankment site, do not you think the stonework of the elevation would be much better preserved on that site, owing to the abundance of light and air, than on the Carey-street site, owing to the smoke?—I have no reason to think that.

2288. Mr. *Goldney.*] If the building was erected in Carey-street you would get as good a sight of it as of St Paul's from a near point?—Yes, about the same thing. The Strand is about as wide as Ludgate-hill at that point, I should think.

2289. It is rather wider at St. Clement Danes' Church, is it not?—I was not aware of that.

2290. Sir William Tite has put a question to you with reference to the Excise Office and India House; do you know what has taken place with reference to the purchase by the railway companies of the St. Thomas's Hospital land: you know that they did purchase a large portion, if not the whole of it?—Yes; I was consulted with reference to part of that not long ago. A triangular part was purchased by a company; and a gentleman who had subscribed some shares consulted me what he should do. They found it almost impossible to re-let it, and they were prepared to suffer some 60,000*l.* or 70,000*l.* loss, I believe.

2291. At all events there will be a considerable loss in the re-sale?—Yes.

2292. There was a much greater demand for offices in the City, three or four years ago, than there is now?—Very much.

2293. Have you heard of a company, the City Offices Company, that are experiencing loss from that fact?—Yes.

2294. Their business was to purchase up land and re-let it for the purposes of building?—Yes; but they made very large offers, judging from one transaction that I had for a gentleman whom I am generally engaged for; they made an offer in that case of nearly twice the amount that anyone else did. They have erected on that land, which I have now referred to, a very large building, which I believe has been a complete failure, as far as any money return goes.

2295. With reference to the Strand being retained as the general road for traffic, is it not the fact that the greater portion of the traffic still goes by Cheapside, notwithstanding the wider space of Cannon-street?—Yes.

2296. Omnibuses and the general public still go that way, even when they want to go round by London Bridge?—I believe experience goes to this, that it is very difficult to divert a great current of public traffic.

2297. And from your general experience and knowledge you would think that the Strand would always remain a great thoroughfare?—I believe so.

2298. You have said, with reference to the number of solicitors living to the north of the Strand, that you have had some experience upon professional matters in seeing solicitors in large practice?—Yes.

2299. As regards those solicitors in large practice whom you have generally seen, do not they generally (apart from figures) live in that district?—I should say from my own experience, having to go a great deal to solicitors' offices, that they do live, a large proportion of them, in Lincoln's Inn and the north.

2300. In a question of this sort, you would take not the number of solicitors but the amount of business that they carry on as the important consideration?—As far as my own business with them has been concerned it has been chiefly with gentlemen to the north of the Strand.

2301. With regard to those in Carey-street and Lincoln's Inn-fields, did you ever hear of their health suffering from occupying offices in that locality?—No.

2302. You never heard them complain of the great nuisances surrounding them?—No.

2303. And you do not think that people in the courts would be worse off than people who lived in the offices all day?—No. A friend of mine lived in an office at the corner of Carey-street, in Bell-yard, and I have never heard of his complaining. He was extremely sorry when he was turned out compulsorily for this scheme.

2304. And as a rule, have they continued in the same offices for nearly the whole of your expreience?—Yes, I believe, for generations.

2305. You have no fear at all about the health of people being affected if the building were put on Carey-street?—I should have none.

2306. As a matter of common sense, do not you think that these Law Courts can be erected on seven acres and a half?—It is impossible for me to say. I declined to compete; and I did not therefore read the instructions to the architects.

2307. Still there are no difficulties that present themselves to you, as regards the erection of the building, that did not exist in 1865?—No, none whatever; the site is the same.

2308. If the site was considered proper in 1865, nothing has arisen detrimental to Carey-street since, that you know of?—Nothing that I know of, certainly.

2309. Mr. *Beresford Hope.*] I think you said, that on the whole, you think the architectural advantages of the Carey-street site and the Howard-

Howard-street site are pretty equal?—I should have great difficulty in saying which I thought the best.

2310. You think that it is a disadvantage to the Howard-street site that the bridges would intercept the view of the building?—To those only who were walking along the Embankment. The one great advantage, I think, artistically of the Embankment site is, that when you are opposite the building you see it from its base, and you see a very noble base, which is the river; but that advantage is diminished, to my mind, by the fact of the base being cut off by the bridges until you come nearly opposite the building.

2311. The First Commissioner asked you whether a similar disadvantage did not attend Somerset House. But do you consider that the view of Somerset House is the mere view of Somerset House, or of Somerset House and of the terrace upon which it is raised?—You must consider the terrace as an integral part of the elevation; it is so in my mind, always.

2312. And therefore you consider that if any large building were to be placed on the ground that Mr. Street proposes for the Law Courts, the eye would not be shocked by that building and Somerset House standing on different levels?—I think that there will be no difficulty in treating the building perfectly well upon the Embankment site.

2313. Have you considered whether the difference of about 22 feet, which would raise the Carey-street building to about the same level as St. Paul's, would be an advantage to the general aspect of the metropolis?—It is always an advantage for a building to be raised when you are to see it in such a great metropolis as this.

2314. On the whole, how would you strike the balance of advantages between the elevated position which you obtain in Carey-street and the full view which you have of the whole façade of the building if it is on the Embankment?—I acknowledge that I should have very great difficulty in saying which, as an artist, I should prefer.

2315. In short, you think that they are both very great advantages?—They are both magnificent sites, artistically.

2316. You do not join, then, in the cry which has been raised in favour of the Embankment site from purely æsthetic considerations?—I think that the advantage of the Embankment site has been exaggerated on artistic considerations, if I may judge from what I have read and heard.

2317. It is your opinion that the Holywell-street block must go?—Yes.

2318. That it must go, as a metropolitan improvement, for the same reason that Middle-row, Holborn, went?—Yes.

2319. Independently of the question whether the Law Courts are or are not to be in Carey-street?—It does not matter to my mind, as far as that matter goes, whether the Law Courts are on the Carey-street site or the Embankment. If the building is anywhere in that neighbourhood, Holywell-street ought certainly to be removed.

2320. Assuming that Holywell-street goes, do you or do you not think that you would have a series of very beautiful picturesque views of a stately building in Carey-street as you advanced from the west, along the south side of the Strand, views which would give you the southern and the western façades of the great building in Carey-street at different angles?—I can only repeat what I said at first, that I think that that site for a building is a very fine one, and that it is impossible to find any position in a street better than that would be, supposing that that block of buildings were removed; and the views coming along from the church would be superb if the front were properly treated.

2321. You do not give in to the notion that you must see buildings up straight avenues and full faced?—On the contrary, I should think that any one who has been accustomed to draw buildings much would agree that the angle view is the one you should adopt. From a great distance I think a direct view of a building immediately in front of you, if it is symmetrical, like St. Paul's, is a very fine thing.

2322. But assuming that public opinion has ruled that the Law Courts are to be in Gothic, and not in Italian or Grecian, you think that the angle view is likely to be a picturesque one?—Yes.

2323. And do you think that the trend of the Strand, which is slightly curved, something like the High-street, Oxford, combined with the Carey-street building standing just above it, on a slightly rising site, would lead to peculiarly picturesque angle views?—I think so.

2324. That being so, do you think that the accident that would compel Mr. Street to make a broken line of building to the west, following the red outline on the plan there, might be an advantage rather than a disadvantage to the building?—With Gothic architecture one rejoices in those accidents that one can get a broken outline on some part of your ground.

2325. Then as an architect with great experience in Gothic architecture, you do not look on that broken line to the west as a misfortune?—If I were to design it I should be very glad of that. One does not like to force the picturesque, but to take advantage of any element which will make your building more picturesque naturally.

2326. Then assuming that there is acreage enough there to hold the courts and offices practically wanted to be put there, do you consider that Carey-street site a lucky one for an architect of ability to deal with?—A very fortunate one.

2327. I think that you are the architect of the additions to the Law Society's buildings in Bell-yard?—Yes.

2328. We have heard it objected to the Carey-street site, that your building comes so very near the building that it will be a detriment to it; can you give the Committee any explanation of that?—I have never heard it suggested. Our building has been erected, and I am only adding to it. I am not responsible for the building as it stands.

2329. It has been urged, more than once, that the proximity of so large a building as the Law Society's building, so near the courts, will produce a considerable inconvenience; you do not think so?—I cannot imagine that any one would suppose that; it is rather further back than the rest of the Bell-yard buildings. Bell-yard is at present wider there than it is elsewhere.

2330. What is the actual distance between the Law Courts and your building?—At my building the narrowest width is 55 feet; that is the nearest point that the two buildings would approach each other.

2331. There would be room then to make a good

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good thoroughfare between the new building and your building without having to pull down anything?—Plenty of space, as far as my building is concerned.

2332. Does your building advance nearer to the Law Courts than the original building that you have added it on to?—The original building is really a little nearer. I am going to set my new building a few inches back.

2333. The detriment, then, if there be any, is not increased by your addition?—No, certainly not.

2334. You consider, then, that, keeping your building, it would be perfectly competent to run up a thoroughfare by widening Essex-street, and then making a carriage street of Bell-yard with a minimum width of 55 feet?—I see no difficulty in that.

2335. That being the case, then, would you get into Carey-street and Serle-street?—Yes.

2336. And then, by opening the Turnstile to the north you would open out the Carey-street building to all the north of London?—Yes.

2337. To come back again to the question of architectural effect, the principal façade of the Howard-street building would be upon the Embankment?—Yes.

2338. And of the other building, the Carey-street building, upon the Strand?—Yes.

2339. There would be no architectural facade to the north of the Howard-street building?—I presume that it would be an architectural façade, but it would not be very well seen.

2340. Do you think that the façade of the Carey-street building would be better seen from Lincoln's-inn Gardens and Lincoln's-inn Fields, down Serle-street, than the Howard-street site from the Strand?—If Serle-street is widened there would be a better view of the Carey-street site, from Lincoln's-inn Fields, than there would be of the Howard-street building from any one of those narrow streets, because the only street that it is proposed to widen I understand is Essex-street at the extreme end of the building.

2341. But from the steps of the hall at Lincoln's Inn you would have a good view of the northern *façade*?—You would see only a part of it. New Square would prevent you from seeing all.

2342. You would see the sky-line?—You would see the sky-line.

2343. *Mr. Chancellor of the Exchequer.*] You speak of the necessity of doing away with Holywell-street, what purchase would that require?—I do not know in the least, I have made no calculation of that.

2344. I want to know exactly what you spoke of with reference to that plan behind you, how far it would go?—I said that it was desirable now and would be necessary, supposing the Courts of Justice were brought to either of the two sites in question, that the block of buildings between what is called Holywell-street and the Strand, should be taken away.

2345. Do you know what length of frontage to the Strand that has? (*the Witness measured it*) —Very nearly 500 feet along the Strand.

2346. Do you know the depth at all; it is narrow near the church and widens out; will you give us an approximation on a rough guess? —Sixty feet is the average width.

2347. How many acres would that be?—Less than an acre.

2348. There would be 500 feet frontage to the Strand, you say?—Yes.

2349. And the character of the property is low in Holywell-street, I suppose?—Yes, small shops.

2350. Have you any idea of what the value of that block of buildings, houses, and land, would be?—Not the least.

2351. It would be something very large, I suppose?—I have no notion.

2352. But it ought to be taken away to do justice to the site?—For either site for the increased traffic, certainly.

2353. With regard to the building on the Carey-street site, you think that it would have a good architectural effect; may I ask, what land you assume you have got for that effect; is it the land coloured red on that plan behind you?—Yes, the land coloured red.

2354. Not the yellow?—No.

2355. Have you seen Mr. Street's plan for covering that land?—The only plans that I have seen are those attached to his report.

2356. You are aware that in one place the building would approach within 10 feet of the surrounding houses, I suppose?—It actually touches in Pickett-street, I see, where there is some building that he calls offices.

2357. But you do not contemplate, I presume, leaving the thing in that state for the Courts to touch the buildings opposite; that would not be architectural effect?—I think that there would be no harm in leaving the offices touching the houses in Pickett-street.

2358. Are you aware what is intended to be left between it and the low houses round?—It is very irregular.

2359. The greatest width would be 55 feet?—No; more than that.

2360. But I understand you to be content with that surrounding for architectural and other purposes?—Yes.

2361. You do not think it necessary to purchase more?—Not for architectural effect.

2362. Or for air, or ventilation, or quiet?—It does not affect the question of quiet.

2363. Not if you have half a dozen Irishmen fighting within 10 feet of the building?—I do not think that the fact of the buildings to the west being close to the courts of itself would affect the question of quiet.

2364. Is it not very low property?—The property that is nearest is Clement's Inn.

2365. Besides that is there not very low property?—King's College Hospital comes very close; the very low property is some distance beyond, at a place called Clare-market.

2366. You think that that is not near enough to affect the question of quiet?—I think not near enough.

2367. With reference to the approach from Howard-street to the Strand, why are you of opinion that it is desirable to widen Essex-street? —I think that the other streets are so very narrow.

2368. Is Norfolk-street a narrow street?—Norfolk-street is a much narrower street than would be desirable.

2369. Do you know the width of Norfolk-street?—About 45 feet from house to house.

2370. Nearly as wide as in Carey-street?—Yes.

2371. Then there are four accesses to the Strand,

Strand, the three others being Surrey-street, Arundel-street, and Essex-street?—Yes.

2372. You think that Essex-street should be widened in any case?—I think that it would be desirable to widen Essex-street.

2373. Do you see any necessity, taking Mr. Street's plan for the Carey-street site, for spending any money on approaches?—No greater necessity than I think would be involved by removing Holywell-street and widening Serle-street, and making the approach to Holborn, which I think is a necessity common to both sites.

2374. I am speaking now of Carey-street; that would be a necessity, would it, for Carey-street?—I do not think that there is any necessity to widen Carey-street for the Carey-street site.

2375. Do you know what the estimate is of widening the Turnstile?—No, I do not know the estimates that have been made of it.

2376. Do you think that anything else would be necessary, any approach from the east?—None, but what I have already alluded to. I think I said, in the beginning of my evidence, that certain improvements ought to be made in the more distant approaches, whichever site were adopted, and I thought that those were common to both sites. And with regard to the nearer approaches, that is to say, the streets immediately surrounding the sites, it would be very desirable to widen Essex-street, as Mr. Street proposes, and to widen Howard-street; or if the other site were taken, to widen Bell-yard.

2377. And you think that that would be unnecessary for the purposes of the Howard-street site?—It would not be necessary to widen Bell-yard.

2378. That would be necessary for the Carey-street site?—Yes.

2379. Is there anything more required for Carey-street that would not be required for Howard-street?—I do not think that there is anything.

2380. You do not think that the fact of the approach by the river and the Embankment exonerates Howard-street any more than Carey-street from building any other approaches?—I do not think that it would dispense with Mr. Street's proposal, widening the three end blocks in Howard-street, and also widening Essex-street.

2381. Mr. *Layard.*] Will you state what the width of Carey-street would be if you did not buy the opposite property?—I ought to say that I am taking these dimensions from the roughest plans and very imperfect scales. It would be 52 feet, about.

2382. Without being widened?—Yes, because these plans show the low buildings at the back of the houses, and I am giving you the dimension between the outermost line of the building which would represent, I suppose, the pavement and the front of those law buildings. Carey-street could easily be widened by the removal of those low buildings at the back of the houses in New-square, but I am giving you now the dimension, without widening; but it is unsatisfactory to give you dimensions from such imperfect plans.

2383. I understood you to say that the façade of a building on the Carey-street site could not be seen from any one point until after you have got through Temple Bar on the east, and round St. Clement Danes' Church on the west, unless Holywell-street were removed?—If you advanced up the Strand, and took the south side of the Strand, you would see it directly the eye got the line free of the south-eastern angle of that block of buildings to which I have been alluding as what ought to be removed.

2384. Would not St. Clement Danes' Church be in your way there?—The St. Clement Danes' Church, I think you would find, would abstract only so much of the building as is immediately behind it, but the courts would extend east and west of it, and would be such a lofty building that the St. Clement Danes' Church would only obstruct them partially.

2385. Coming from the east, you would not see anything till you had passed Temple Bar?—If Temple Bar is allowed to remain, you would only see a fragment till you passed Temple Bar.

2386. Mr. *Chancellor of the Exchequer.*] I believe that the Carey-street site has cost 750,000 *l.* including the expenses of the commission?—Yes.

2387. Do I rightly understand you to be of opinion that 440,000 *l.* would be lost on the resale of that?—I think so.

2388. Then do you think that it was purchased at a very extravagant rate?—Not at all. It is the natural consequence of removing buildings where you purchase a large estate like that, six or seven acres, compulsorily. You have to buy the land, you have to purchase that of the owner of the land. You buy the leaseholds, you give trade compensation, and the only thing left you is the land, after you have removed the whole of those buildings. All that is so much property destroyed, actually destroyed.

2389. In this case it was a very low class of property, was it not?—Well, it was a very valuable property, so far as this, that it was densely inhabited.

2390. You are aware, perhaps, that Mr. Hunt estimated what it would cost to purchase it?—Yes.

2391. And that his estimate turned out substantially correct?—Yes.

2392. If then he estimates that nothing will be lost on the land, should you be disposed to take his estimate?—The basis that he takes for that opinion, is one that I doubt very much, the offer of a nameless company to give three per cent.

2393. That rests upon his word?—Hardly, as I think; it rests upon the word of the company.

2394. You do not doubt the offer being made?—I do not doubt anything that Mr. Hunt says.

2395. You think, in ignorance of who made it, that it is not a valid offer?—I should be sorry to advise any friend of mine to act upon such a vague offer.

2396. Is it not an indication of the value of such thing, that such an offer should be made?—It depends upon who makes it.

2397. What do ground rents sell for in London, how many years' purchase?—Twenty-two up to 28 years' purchase, according to circumstances.

2398. Not more than "28"?—In rare cases 30 years, but then those are ground rents which are already secured, as it is called, that is to say they are ground rents with buildings on which you come for the ground rent previous to the rack rent.

2399. Mr. *Osborne Morgan.*] Would you advise any company for which you were acting as

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architectural adviser to give 750,000 *l.* for that ground?—Certainly not.

2400. Lord *John Manners.*] Looking at Mr. Street's plan of the Carey-street site, you have been asked a question by the Chancellor of the Exchequer as to the proximity of a certain portion of that plan to Yeates-court; will you look on that plan and tell us whether that part of the building which is in close proximity to Yeates-court is what Scotch architects call a roundlet, a round projection?—Yes.

2401. Would you agree with Mr. Street saying that, if the proximity of that roundlet to Yeates-court was thought unadvisable, he could easily re-arrange that portion of his plan?—I should think so, if he wants it for convenience. It is a very small area. How far it affects his elevation I cannot say.

2402. With respect to the removal of the Holywell-street houses, am I right in saying that your position is that whether the Law Courts are placed on the Carey-street site or on the Howard-street site, it would be advantageous that that block of houses should be removed for the convenience of the traffic going, in the one case, to the south of the Law Courts, and in the other, going to the north?—Yes, certainly.

2403. But supposing that they are removed, would the buildings, if placed on the Embankment site, be better seen after removal of the Holywell-street block?—It would not affect the appearance of the buildings on the Howard-street site, which you could only see then when you came directly opposite the end of one of those streets leading down to the building.

2404. But supposing that the Law Courts are placed on the Carey-street site, and the Holywell block of buildings are removed, then I apprehend that you would gain greatly in the view of the building by the removal of Holywell-street?—Very greatly; a magnificent view of that building it would be.

2405. Therefore in your opinion, while the removal of the block of houses in Holywell-street would be advantageous and convenient for either site, it would be doubly advantageous if the Law Courts were placed on the Carey-street site?—Certainly it would give you a noble view of that building.

2406. Mr. *Beresford Hope.*] What is the character of the houses in Holywell-street; are they good respectable houses, or not?—I never went into one of them, but, judging from what one sees in passing, I should say that they are of the very lowest possible character. Holywell-street is one of the oldest parts of London, judging from the gable end and the timber construction of the buildings.

2407. And it is not reputed to be respectable in the character of the trade carried on there?—I think the police reports have shown us that.

2408. Mr. *Osborne Morgan.*] Is it partly untenanted?—There was a scheme for placing an hotel there, but the company is practically bankrupt, I believe.

2409. Earl *Grosvenor.*] Considering the approaches which the railway, the Embankment, and the river will give to the Embankment site, would you not consider that the removal of Holywell-street is not so essential by any means to it as to the Carey-street site?—I think it would be essential in either case, because my theory is that the Embankment road will not be so much used as is apprehended, and that such a large quantity of traffic will come along the Strand that even if the building is placed on the Embankment you will have to remove Holywell-street, which ought to be removed even now, I think, for the sake of the ordinary traffic which now runs along the Strand.

2410. Mr. *W. Cowper.*] May I ask whether, supposing you remove the block of the Holywell-street buildings without touching the churches, you actually gain much in the width of the street. The distance between the churches is not very much less than that between Holywell-street and the south side of the Strand?—I trust that the removal of Holywell-street would point out the necessity of removing the churchyards; that is, the enclosed spaces. I do not go into the question of the churches themselves. The remains in those inclosures ought to be removed elsewhere, as they have been in the city of London, and the whole of that space thrown into the carriage traffic.

2411. Lord *John Manners.*] Architecturally, if the church is allowed to remain, it will act as what you call a scale to the larger building, would it not?—I should not now build a church in the position of St. Clement Danes, but I think that it would not be any great detriment to me if I were an architect designing a building on the Carey-street site.

Sir Roundell Palmer, Q.C., a Member of the House, Examined.

Sir *R. Palmer,* Q.C., M.P.

2412. *Chairman.*] We are aware that you have taken a great interest in this question of the site for the New Law Courts, and perhaps I need hardly ask you whether you have formed a decided opinion upon it?—Yes; the Committee know that I have done that.

2413. And probably you have had many opportunities of communicating with other members of the legal profession, and you are aware to some extent what their feeling is?—Yes, to a very considerable extent, I think.

2414. Are you prepared to state from your own knowledge what is the feeling as regards one of these sites as against the other?—I should say that there is a very great preponderance of feeling both in London and in the country, and taking them as a whole in all branches of the profession, in favour of the Carey-street site. I may mention to the Committee what perhaps they already know, that among the petitions which I have recently presented, there was one signed by solicitors in London, of which, including persons and firms, the number of signatures is 1,281, and if you reckon the individual members of the firms, that would represent 1,661 individuals, and I believe that a similar petition is still being signed. I have got a division of those signatures made out in this way. From the western district, that is west of Wellington-street, Strand, on both sides of the river, for Carey-street 174, and only 61 refusals to sign from that district. From the central district 635 signatures, and 82 refusals to sign, the central district being the one which lies between western and the eastern districts; and from the eastern district, which is on both sides of the river east of Farringdon-street,

street, 472 signatures, and only 135 refusals to sign. But when I speak of refusals to sign it may be right to mention that in some cases, as the Committee might suppose, the members of one firm are not all of the same opinion. For instance, we had the signature of a firm who went to my Right Honourable friend the Chancellor of the Exchequer as representing the Howard-street interest, and upon my pointing out the inconsistency of that signature being upon the petition, it was removed, no doubt on the ground of want of unanimity in the firm; and among those who refused there may be many similar cases. The total result is that that petition contains, as I have said, 1,281 signatures, and it is still in progress, and of all asked to sign only 278 have declined to do so. There is a great preponderance from all the districts, western, eastern, and central, and there is no part of the Metropolis in which the preponderance of the opinion of the profession, is not, as far as my information goes, very greatly that way. Then I may mention that I presented a petition signed, not by individuals, but by officers of the body on behalf of the Provincial Law Association; and the representation made by them is of very great unaminity throughout the country in accordance with the prevailing view of the profession in London, and that, both because the offices of the majority of agents are in what we call the legal district, and because, independent of that altogether, the general sense of convenience is the same throughout the profession. Then I may mention that, besides minor petitions, including some from country towns and other places, which I will not trouble the Committee by speaking of, I presented recently a petition from members of the bar containing 393 signatures, of which 74 were from the Temple, and the rest from other Inns of Court. No doubt the Committee very well know that considerable efforts have been made to persuade those who live in the Temple that it would be for the benefit of their societies that the building should be on that side of the Strand. But I think that, with the exception of those influenced by that opinion, the opinion of the barristers is quite as preponderating as that of the solicitors, in favour of the Carey-street site. That is what I believe, and I have no doubt that the more it is inquired into the more it will appear to be the case.

2415. Have you any means of comparing the total number of those who have given an opinion one way or the other with the total number of the profession practising in London?—With regard to the solicitors, I can give the Committee that information; I do not think that I have the figures as to the barristers. I find a total number of 3,153 solicitors appearing in the Law List; and therefore the Committee will see that the number who have actually signed the London solicitors' petition, which I presented, make more than an absolute majority of the whole number of solicitors in London, and that those who have declined to sign are a very trifling minority.

2416. In those petitions do they confine themselves to a statement of their opinions, or do they give their opinions also?—I think that, for the most part, they give their reasons. I hold in my hand a copy of the petition, with the signatures, of the London solicitors. In that petition they mention the convenience of the situation: "That the Carey-street site is in the centre of the district in which the whole of the bar and the great bulk of your petitioners are settled; it has Lincoln's Inn on one side of it." And then it describes the Carey-street site. Then they say, "That your petitioners view with consternation the proposal of Her Majesty's Government to abandon the site in favour of one smaller in size, less suitable in shape, and at an inconvenient distance from the legal district." Then they say that they anticipate delay from the adoption of the Embankment site. Then comes this passage in their petition: "That the first consideration in the erection of the new Courts ought to be the proper and convenient administration of justice. It was never intended to build new Law Courts and offices for the decoration of the River Embankment. A grand and majestic building may nevertheless be raised on the higher level of the Carey-street site, and be a greater ornament to the metropolis than if placed on the Embankment site." The Bar petition, of which I hold the signatures in my hand, also gives reasons. They say that they "Take a deep interest in the concentration of the superior courts for the administration of justice in the metropolis, and consider it to be of paramount importance that the concentration should be effected in the centre of the great legal district, and as near as possible to the several Inns of Court, where, and around which, the chambers of the barristers, and of a very large proportion of the solicitors, are congregated. The advantages to be derived from judicious concentration must be incalculably great in expediting the business of the suitors by economising the time, and diminishing the labour of their representatives, the practititioners, in the several courts;" and then they say, for reasons similar to those in the solicitors' petition, but stated at greater length, that they greatly prefer the Carey-street site.

2417. Do I rightly understand that a considerable number of barristers residing in the Temple have signed one of these petitions?—Seventy-four have signed the petition that I mentioned. I do not know how many may have signed any other petition.

2418. Have you reason to suppose that any considerable number of those signatures were influenced by the opinion that if the Carey-street site were adhered to the building would be completed at a much earlier period, whereas by changing the site an indefinite amount of delay would be produced?—The apprehension of delay is undoubtedly mentioned among the reasons given in the petition; it is impossible for me to say how much that consideration may have operated; as far as I can say, I should think that it is not the leading consideration with those who signed the petition

2419. You think that, apart from delay, there is a deliberate conviction in the majority of the profession that the original Carey-street site is more convenient for their purposes?—I have not the slightest doubt of that. Perhaps the Committee will permit me to refer them, because I do not think that anything can better state my own individual opinion and the grounds of it, to some passages in the evidence given before the Law Courts Commission of 1859. If the Committee will take a note of the answers given by Mr. Lake to Questions 246 to 250, inclusive, and to Question 257, I think they will find that the opinion then entertained when no such controversy existed

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existed as at present, was exactly the same as that now entertained. If I might be permitted to do so, I will read the questions and answers, which are not very long. Mr. Young, who was a member of the Commission, asked Mr. Lake this question: "Is there not to common law barristers an enormous loss of time from being at Westminster separated from their chambers, and all that business which they transact at chambers"? He answered, "Certainly, I speak from my own observation and their information too." Sir George Lewis asked, "Does not that inconvenience arise, not from the dispersion of the courts, but from the distance of the court from their chambers"? And he answers, "Yes, to a certain extent." Then the next question is, "Supposing, for example, that the courts were concentrated in one spot, and that that spot was at a distance from their chambers, would not the inconvenience be just as great in that case as it is now"? And he answers, "Yes." Then he is asked, "Then, in fact, your plan involves two conditions; one is, that the courts should be concentrated; and the other is, that they should be concentrated near the chambers of the barristers and attorneys?" The answer is, "Certainly." Then this question is put, "Unless it fulfilled both those conditions, the plan would not, in your opinion, be satisfactory?" And the answer is, "No, I think not; of course it would be something to get the concentration, even if the situation were not quite so good; but the plan would not be perfect without both." And then to Question 257, by Mr. Young, with reference to what is now called the Carey-street site, he is asked, "Is that the site which you consider best adapted to combine the various advantages spoken of; that is to say, concentration of all the courts and offices, and concentration in the neighbourhood of those places in which the barristers and solicitors mainly reside?" and he answers, "It appears to me so; it appears to me to be the best site which you can get." Perhaps I may be permitted to add the answer given by Sir Richard Bethell, then Attorney General, to Question 700. He was asked, "Have you turned your attention to the question of where the best place would be for the concentration to be carried out?" and his answer is, "I have for the last four or five years been extremely desirous of having the courts concentrated in a spot which, if I may use the expression, appears to have been created, and left as it were, on purpose for this great improvement, namely—" and then he describes the Carey-street site, precisely within its present limits. He says, "The great benefits which would result to the public and the profession from that particular locality cannot be over-estimated." Without adopting the peculiarity of the language in which that last answer was expressed, about its being created on purpose, I deliberately avow my opinion to be, and always to have been in substance, exactly that which is expressed in the answers to those questions; and I think that there would be a great loss of a very material part of the advantages intended from concentration, if the site were to be removed so far as to Howard-street.

2420. At the time when those answers were given, I apprehend that the Embankment was not in contemplation?—The Thames Embankment was not then in contemplation; the Act for it was passed in 1862; but it is quite manifest that a site in that part which, putting aside the ground reclaimed from the river, would now be in the Howard-street site or thereabouts, was quite as possible then as now, if it had been in itself a desirable site; I mean desirable for purposes of utility, putting aside the embellishment of the metropolis.

2421. Do you not, then, consider that the creation of the Embankment, with the road and the railway upon it, has very materially altered the conditions of the problem to be solved?—With a view to utility, in my opinion, not in the slightest degree whatever. I look upon that as mere error, a mere fallacy. I do not think that the road and the Embankment will be in any appreciable degree conducive to the convenience of those who have business to do in the courts.

2422. Will you explain that opinion a little more fully?—By far the greater part of the legal profession in London, and those who represent by far the greater part of the country attorneys, reside in what we call the legal district, which is principally to the north of the Strand. Those persons will never use the Embankment road or the railway. But it is not only those who reside there who will not use it; other attorneys or solicitors having business to do, unless they reside near some station of the Metropolitan Railway, will not use that railway for the purpose of approach; and they cannot always afford to wait till a convenient opportunity occurs, even if they are near a station; they will go the shortest and quickest way to the business that they have to dispatch. The consequence is, that even those who happened to be near the Metropolitan Railway Stations would not always find it convenient to use that mode of access, and those not near them would, as a matter of course, not use it. And with regard to the main road along the Embankment, those who happen to come from the other side of the river, or who live upon the river side, may perhaps use it, but those who live at a distance would never do so. It seems to me to be altogether a delusion to imagine that for those who do the business of the profession those modes of access would be to any great extent available or convenient.

2423. Assuming the Carey-street site to be adopted, do you think that the majority of those constantly employed in the courts would not come to them by way of the Strand?—I think not; I think that the majority would come from the north; of course a considerable number would come by Fleet-street and the Strand. If you take the eastern part you may divide the City into those who would come by the Holborn line and those who would come by the Fleet-street line; and those who came by the Fleet-street line would come by the Strand, but those who came from the north would not. The preponderance of business lies to the north, though I do not undervalue the importance of other portions.

2424. In your view the circumstance of the Strand being over-crowded by traffic is by no means material?—By no means material to the Carey-street site, but infinitely material to the Howard-street site, and an objection of the greatest magnitude to it, because the whole northern traffic is then sent across the Strand.

2425. Are you aware that it is proposed to meet the difficulty by a bridge or tunnel, or both, across the Strand?—I saw in Mr Street's report that such a thing had been suggested by him; I did not understand that it was any part of the Government plan. Of course that would so far

meet

meet that objection, that it would afford a mode of access not interfering with the Strand.

2426. Taking that large body of legal gentlemen whose offices are in the Temple, would it not be an inconvenience to them to have to cross the Strand to go over to Carey-street?—I will not deny that it would be in some degree an inconvenience to them, and it was one which even at the time that the Act of Parliament was passed it was in contemplation to relieve them from, and if they are likely to have less accommodation now than before, I can only say that it is their own fault for throwing their influence into the rival scheme. But if we had the building on the Carey-street site, and it were found material to give them that access, the present or some other Government would certainly give it them. It is a question of comparison; I think that it would be a very proper thing to do, and I should wish to see it done. But you can cross the street as I have done very often, even in wig and gown, under circumstances of necessity, though I cannot call it a convenient crossing. Of course it would be infinitely worse for those who came from the greater distance, Lincoln's Inn; they would not only have to walk across, but must walk all the way from Lincoln's Inn to the Strand, and again from the Strand to the courts. We should have to go a length which I have no hesitation in saying would be prohibitory to doing business at the same time in court and in chambers.

2427. If you put the building upon Carey-street it will become, sooner or later, a necessity to have a bridge or a means of access from the Temple; if the other site is chosen it will become a matter of necessity, or at least of convenience, to have a bridge over, or tunnel under, the Strand?—I would rather use the word "convenience" than "necessity." I mean that we should do without it if it were not given; but it is to be observed that a bridge over the Strand would be bridging over a very small part of our difficulty from Lincoln's Inn, though it would be bridging over the whole from the Temple. Perhaps I may be permitted to tell the Committee what I found upon making an experiment last Saturday to see the time occupied. I should mention that I practised for some time, in fact till I became a law officer of the Crown, I usually practised after I was Queen's counsel in the Rolls Court, and therefore I know that the distance even of the Rolls Court from chambers in Lincoln's Inn, which would slightly exceed that of the courts if placed in Carey-street, is just as much as can conveniently be reconciled with spending the spare time in chambers and having a clerk watching. The Rolls Court was quite as far as it was possible to go to without inconvenience. To go to the Rolls Court from the south-west angle of the exterior wall of New-square, Lincoln's Inn, abutting upon Carey-street as I measured, would take you about two minutes; and to go from the same point down Howard-street and back again by the nearest present mode of access, took me, walking fast, in fine weather, without any incumbrance, in the shape of book or bag or gown, exactly 10 minutes; I do not mean running, but walking as fast as one comfortably could without running. I suppose that if you gave a road across the Carey-street site you might possibly save, say two minutes. I do not think that you would save two minutes going there and back, but we may take it to be two minutes. Then you would have eight minutes in addition to what would be lost by going to the courts if placed on the Carey-street site; because in each case I started from a point in front of the new courts in Carey-street and stopped at a corresponding point in Norfolk-street, down which I came from the Strand, at its junction with Howard-street. It would make a difference of eight minutes going backwards and forwards in addition to the time now necessarily lost in being fetched to any of the existing courts, which is not at all a point to be overlooked. I have no hesitation in saying, as I have said already, that it would be prohibitory.

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2428. Do you consider it a matter of importance that in any building which is now put up provision should be made for the possibility of future extension?—Well, I think that it would be a wise thing certainly, but I cannot say that I think it is an absolutely necessary thing, because I hope that the building, as it would be made, would contain all those courts and all those offices for which it is proposed to make provision, and they appear to me to include all which are indispensable, and to leave some room to spare which is desirable; and though I should think it desirable to have the means anywhere of extension, yet I do not look upon that as so narrow an allowance of room as to make it impossible to get on with that allowance even if you have not the means of extension. I think that it would be better to have them, but I do not attribute first-rate importance myself to that consideration.

2429. Are you at present contemplating the reduced original Carey-street site, or the larger scheme?—I am entirely contemplating the reduced or original site.

2430. You think that even that would give all the room that would be required?—It would give decidedly more than the other, and I have no hesitation in saying that I think it would give all which is really necessary. It would give a good deal more room than you get in the other, as far as superficial space goes.

2431. Mr. *Chancellor of the Exchequer.*] Do you contemplate any purchase to supplement that site, or would you take it as it stands?—I mean taking it strictly as it stands. Of course the Committee will not suppose that, if I were Chancellor of the Exchequer I should want to stint the public in the one site or the other; I should think that whichever site was taken it should be done reasonably, and with a view to the public convenience; but I will assume that no more can be taken, and what I say is upon that assumption.

2432. The assumption that nothing more is bought than the land as it stands?—Nothing more.

2433. Your opinion is that it would be sufficient for practical purposes?—I have no doubt of it.

2434. I understand you to view this as a barristers' and solicitors' question?—I cannot separate the public interest from that of the lawyers in this matter. In the administration of the law we are their servants; the people are interested in it.

2435. It is a public question, but the interest of the public is identical with the interest of the profession, so that practically we may take the interest of the profession to be that of the public, you think?—The convenience of the profession for the administration of legal business seems to me, in this matter, to be the public interest.

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2436. Therefore, what the majority of the legal profession in London think ought to be done in that matter it is for the interest of the public to do?—It is not only the legal profession in London, but in the country also.

2437. Supposing that the majority in the country preferred one thing and the majority in London the other, what is to decide?—If it were so, speaking, of course, of those country practitioners who have business to do in London, it would be some evidence that the opinion which I have been expressing was not that of the profession at large; but I believe it to be otherwise.

2438. But it is the opinion of the profession that you would be guided by?—Not merely their opinion, it is my own opinion too. The facts upon which the convenience of the profession depends seem to me to be what we ought to be guided by.

2439. Do you regard the legal profession as an irremovable body which must by some innate necessity remain in the place in which they live now?—I think that, as a matter of fact, they will remain there for such a length of time that you would inflict a great injury on the public if you were to remove the courts of law to any inconvenient distance from them.

2440. Have you not proved yourself that it is convenient to live near the courts?—Yes.

2441. And do not you think that wherever the courts are put, the legal profession will follow them?—Most certainly not, and experience has proved the contrary, I think. The courts met at Westminster for a long time, and the legal profession did not go there.

2442. You think that they would remain where they are, wherever you put the courts?—Most assuredly they would, so far as the Temple and Lincoln's Inn are concerned. I do not think that any more chimerical idea could be entertained than that they would change their quarters.

2443. Do you apply that equally to barristers and solicitors?—I do not think that it would apply in an equal degree to the two. It would apply more to barristers, although I think it is also true that wherever barristers are congregated, from the convenience to many of the leading solicitors of their having their chambers in the same place, it would apply to them also.

2444. The barristers are immovable in your view, and the solicitors circulate round the barristers, so that practically the whole profession is immovable?—You know that practically there are two great colleges in the Temple and one in Lincoln's Inn, and the convenience of being near them for purposes of business, has brought into them many solicitors. The solicitors, do not, strictly speaking, belong to the societies which form those aggregates, but convenience has brought them there.

2445. A great part of the buildings in Lincoln's Inn are in a poor state, are they not?—They are old; I do not know whether they are dilapidated.

2446. They will require to be rebuilt before long, will they not?—The word "require" I cannot speak to, but I should think that at some time or other it is possible that they will be rebuilt. I have not heard of any proposal on the subject.

2447. You think that when that day arrives, supposing that the courts were altered, they would still be rebuilt on the same spot?—Yes.

2448. Do I rightly understand you to contemplate any money being spent for approaches on this Carey-street site?—I think that the Government ought to spend money for that purpose for either site.

2449. For the Carey-street site, ought they?—I do not think it indispensably necessary that a shilling should be spent on anything beyond what would be obtained in laying out the site itself.

2450. What would be obtained in laying out the site itself?—You would get space for a street on the Bell Yard side, and space for a street also on the other side, the west, if it were desirable to have both. Then you would get a certain width on the south side of Carey-street to widen Carey-street, and possibly also the Strand too.

2451. You do not contemplate the necessity of expending money on that?—Not as a necessity; but I should be very much misunderstood if it were thought that I should not consider a Government which, supposing either site to be adopted, did not make the proper approaches, a very shabby Government. I think that the approaches wanted from the north would be the same, whichever site you took, except that in one respect more would be necessary for Howard-street, because you would want then a large street through Carey-street, in addition to everything else. It may be a correct view that that would fall in so easily with the plans for building on that site, that it would be a consideration of no pecuiary importance. But putting that aside, in order to give the lawyers to the north proper facility of access to the Howard-street site, you would want to enlarge Serle-street, and make an opening to Holborn, quite as much as if the building were on the Carey-street site. I should like to add to that answer something founded upon experience. We have got now all the courts of equity, and since 1849 we have had them always, sitting and doing all their business in Lincoln's Inn. We have also got there the Accountant General's Offices and various offices, and some of the common law offices. We have the Record and Writ Clerks Offices there, and the Public Records at the Rolls Court; and we have been going on with the approaches as they are, and have been doing the business all these years. What we have been doing we could do even if no improved approaches were made there; but you would want an approach from the North, if the new courts were built upon that Embankment site at least as much as if they were built by Carey-street.

2452. Mr. *Layard.*] I presume that it may be assumed that the Carey-street site would be most convenient for the Chancery bar?—With the exception, which I do not at all undervalue, that the Templars would have to cross Fleet-street or the Strand, it would be exactly the same to both; the plan being of course to put the common law courts upon the south side and the equity courts upon the north side; it would be equally distant, and quite as convenient, as has been distinctly proved, in point of distance, to the Temple as to Lincoln's Inn, and in that respect at least as convenient to the Temple as the other proposed site; the difference, to the disadvantage of Lincoln's Inn, of going to the Howard-street site is no doubt infinitely greater; but as far as distance goes, the distance of the Howard-street site would be just as far to the Templars as that of this Carey-street site.

2453. But supposing that we had only to deal with the common law bar, and that the plan of some

some of the Lincoln's Inn benchers to have separate courts of equity were carried out, you would not have these objections that you now entertain to the Howard-street site?—Then you open a new set of objections. I cannot conceive a course more utterly contrary to all sound principle than to endeavour to keep apart for architectural fancy, or whatever else I am at liberty to call it, the courts of law and equity, and perpetuate the objections so long felt to the present separation between them.

2454. But supposing that the convenience of the common law bar were alone concerned, the objection to the Howard-street site would not remain?—If there were no bar in existence but those who live in the Temple, of course the objection founded upon the existence of other people in Lincoln's Inn and elsewhere would not arise.

2455. Do you believe that the recommendations of the Judicature Commission are likely to be carried out?—To a great extent they will, no doubt. Some may be adopted, and some may not, just as in the case of the recommendations of any other Commission.

2456. Supposing that those recommendations were not carried out, would not that modify your opinions as regards the Howard-street site?—Not the least in the world. The recommendations of the Judicature Commission proposed to break down all artificial barriers, but not to do away with the natural divisions of business.

2457. You are aware that one of their recommendations is that the Home Circuit should be brought to London?—Yes, I am perfectly aware of that.

2458. Supposing that recommendation to be carried out, would not the Thames Embankment site be an enormous advantage to those who live in the counties included in the Home Circuit?—I do not think it an advantage that would be worth taking into account, in comparison with other things, bearing in mind that people who landed on Essex-street could go up to the new courts.

2459. The great mass of jurors and the public in general would find it an advantage, would they not?—The great mass of jurors would not come from there; they would find their way from all directions. What is said about the public in general in this question seems to me misleading. The courts ought to be open to everybody who will come unto them; but it is no part of the duty of those who provide courts of justice to attract crowds of spectators for the sake of attracting them.

2460. The Courts of Chancery do not, as I understand, as a general rule, require the attendance of jurors and witnesses, but the common-law courts do?—That is so.

2461. If the Home Circuit were brought to London, the jurors, and witnesses, and suitors interested in law cases would have to come to London?—They will not all come from the south; the plan for the jury list is a comprehensive plan, and the jurors would live in different parts of the metropolis, and the surrounding district, probably as many to the north as to the south. Nothing can be more mistaken than to suppose that they would all come by that route, or even to attempt to define the proportion that would come by it.

2462. When the circular railway is finished round London, then access by rail could be had from all parts of England and all parts of London to the courts, if they were on the Embankment?—In my opinion, it would be a more easy access from the greater part of the railways to Carey-street, because the great stations are in the north, the Great Northern and the London and North Western, for instance. I do not know about the Great Western; it may communicate with the Metropolitan; but that seems to me the old mistake of supposing that every one lives near a metropolitan railway station, and will get into a train. In 99 cases out of 100 they will not.

2463. Might they not, if they had the opportunity?—I do not believe that the business world will go by that route.

2464. You spoke of the petitions presented by solicitors in London and the country; were not those petitions drawn up on representations made by the Incorporated Law Society?—The Incorporated Law Society took a great interest in obtaining the petitions; but my opinion is, that the solicitors judge for themselves in these matters, and do not take their opinions from the Incorporated Law Society.

2465. But has there not been a great influence brought to bear by the Incorporated Law Society on the legal profession?—None, except in the public interest.

2466. Are you aware that the statements circulated by the Incorporated Law Society have been proved to be very inaccurate?—I know that there has been a map of theirs, and great criticism upon that map, which to me appears very idle and irrelevant. It is true that that map is, in some of its outlines, and perhaps in the intensity of some of its black marks, inaccurate; but it was intended for the exhibition of actual facts in a general form, and it would not convey to any one who did not measure it like a surveyor anything that was substantially false.

2467. Putting aside the map, have not the statements as regards the form, and as regards the position of the building, and the relative cost of the two sites, been found to be inaccurate?—Whatever was stated was stated from information which was believed to be correct at the time, and the inaccuracies, which have been pointed out, appear to me to be entirely beside the purpose.

2468. Lord *John Manners.*] You have been good enough to give the Committee your idea as to the proportion of the solicitors who wish the Law Courts to be erected on the Carey-street site, contrasted with those who wish them to be erected on the Howard-street site. Will you have the kindness to look at that paper (*handing it to Sir Roundell Palmer*) which was put in to the Committee the other day by a witness, and answer one or two questions on it. I think in that paper the legal profession is divided into five districts?—Yes.

2469. The first is the City, in which it is assumed that 1,270 solicitors live, and that from the fact of their living, or having offices in the City, they would find their convenience in having Law Courts erected on the Embankment site: are you able to tell us from the document to which you have referred, practically, how many of the City solicitors are in favour of the Carey-street site?—The first question is, how they mean to define the "City." If I may be permitted to make the first observation, that occurs to me on this paper, one does not know whether it means the City, within the walls or liberties, if not, what ex-

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actly it does mean. Then you have got the "Temple," and then you have got "Westminster;" does that mean the metropolitan borough of Westminster? Then you have Oxford-street and Regent-street. I do not know what Oxford-street and Regent-street mean here, or how the divisions were made; but if I am to suppose that they coincide with the paper which I have had, the Committee will see that whereas it is here represented that the Embankment site is most convenient for 1,270 solicitors in the City, I find that in the eastern quarter, which I suppose would be the City, 472 signed for the Carey-street site, and 135 only have refused to sign for it; and with regard to Westminster, 200 are said to be those whose convenience will be consulted by having the building on the Embankment site; but in the western district I have 174 for Carey-street, and only 61 refusals to sign. And I would observe that nothing in the world can be more fallacious than the suggestion, that because a man lives in the west, or because he lives in the east, therefore the Embankment site will be the most convenient to him. It may possibly be so to the gentlemen whose offices are close to a station on the Metropolitan Railway, or who live on the river side, but not at all to the others; and supposing even that a gentleman were so situated that he could conveniently go to the courts in that way, yet the separation of the courts from Lincoln's Inn, where he might have business, or from the offices, would be an inconvenience to him; and if you put the courts in a place where he would be brought as nearly as possible into the focus of his business, and be able to communicate with those with whom he had to communicate, it would be of much more importance to him than merely facility of going by railway from his own residence to the courts.

2470. We may take it that of the 1,270 solicitors stated in that paper to live in the City, you are able to say that 470 have already signed in favour of the Carey-street site?—That again involves a definition. I told you what my eastern district was; it is the district east of Farringdon-street, on both sides of the Thames. My central district is the district west of Farringdon-street and east of Wellington-street; and my western district is the district west of that: but as the total number of solicitors seems to agree in this paper of mine, I suppose that in some way or other these denominations are intended to cover the same extent of ground.

2471. And in the western district 174 have already signed the petition in favour of Carey-street, I understand you?—Yes; since this paper has been put in I may be permitted, perhaps, to tell the Committee that the firm whose name had been attached to the petition, but was removed upon my calling their attention to the fact that they had been at a certain deputation, were Messrs. Baxter, Rose, & Norton.

2472. The paper put into your hand ends with a statement that a majority of 276 will therefore find their convenience in the Embankment site. From the figures that you have submitted to the Committee I need hardly ask whether you agree in that?—No, on the contrary, it seems to me to be of a piece with a great deal more that one has heard.

2473. You have, I think, stated that if the convenience of the profession, who reside to the north of the Strand, is any way to be consulted, it would be absolutely necessary to provide the accommodation which Mr. Street suggests, by means of a bridge or tunnel from the north of the Strand to the Howard-street site?—I did not use the words "absolutely necessary"; I do not think that I should call that sort of accommodation absolutely necessary in any case; because if the world were obliged to do without it they would do as well as they could without it; the law business would not be stopped because people had to go under very great difficulties across the Strand; but I think that it would be in all reason a convenience that should be afforded to them; after all it would go a very little way, because it would not destroy the distance.

2474. There was some answer that you gave in which the word "prohibitory" found a place; will you explain that?—Prohibitory, I mean, to the great convenience, a convenience which is attended with very important consequences to the public, of barristers being enabled, without neglecting the business in their chambers, to be ready to attend to their business in the courts; and upon that subject I think it may be not unadvisable for me to remind the Committee what has actually happened, and which will partly explain why those who live in Lincoln's Inn are more keen upon this matter than those who live in the Temple. Ever since the year 1849 those who practise in the courts of equity have had the advantage of being able to reconcile their chamber business with their court business in the greatest possible degree; that is to say, the courts have been close to them, and those who have not been so fully occupied in court as to be obliged by the business going on always to be there, have been able to be in their chambers ready to attend to the business in court, with a clerk or boy to call them when the proper time came; and so they come backwards and forwards and economise the whole of their time, and the solicitors and the public get the benefit of their attention to papers, advising on cases, preparing pleadings, and things of that sort, during all the intervals of time that they are not actually required to be speaking in court and attending to the business of the court. That was not always so, because in former times the Court of Chancery sat at Westminster, and until 1848 it was in the habit of sitting at Westminster during term time in the four terms; and I hold in my hand a copy printed in the second volume of Mr. Purton Cooper's Reports of a memorial presented to Lord Cottenham by 254 equity barristers, with all the signatures, including those of the present Lord Cairns, Lord Justice Giffard, Lord Justice Selwyn, Vice-Chancellor Malins, Vice-Chancellor James, and all other equity barristers in anything like practice at that time. The representation is this: "That very great inconvenience and loss of time are occasioned to your Memorialists by the sittings of the Court of Chancery being held, during term, at a place distant from the Masters' offices, and the places of business of all the barristers, and nearly all the solicitors practising in the court." We may exclude the Masters' offices, for what corresponds with those would go with the courts now, but the places of business of all the barristers and a great proportion of the solicitors most conversant with legal business would still remain excluded It was suggested that they should come to Lincoln's Inn, and in 1849 they did so, and ever since that arrangement, the value of their time has been

been realised to the full by that branch of the profession. But to this day the common lawyers who live in the Temple know nothing about that; they have never enjoyed that advantage till this day; to this day they go to Westminster for the business of the courts, or to Guildhall, and therefore they are utterly ignorant of what it is to have the benefit of this kind of concentration. No doubt, to them, to be brought to Howard-street, even if it were more distant than it is, would be simply gain as far as it went; I do not mean to deny that the distance of the Howard-street site would be much the same to them as to us would be that of the Carey-street site; but to us the Howard-street site would be taking away that immense advantage, an advantage not to us as barristers merely, but all who employ us, and all whose business depends upon our employment, which for the last 20 years we have known. When I said "prohibitory," I meant that it would be prohibitory to a great extent of that convenience; because if a quarter of an hour is to be lost between the time that the boy leaves the court to fetch his master and his master's arrival there, the cause may have come on, or, possibly, may have gone off, before he can be there, and he will lose his brief and his reputation. He cannot afford to run that risk: he will be obliged to kick his heels, to use a common expression, till the business comes on, in the court and out of chambers, as we were obliged to do at Westminster. I know how that is as a pecuniary matter; all the time that I was a junior, I was labouring under that inconvenience; and I think it probable that the juniors who stand relatively in the same position in Chancery as I did then, make twice as much in the year as I did. Then the business could not be done; and you are going, if you make this change, really to counteract the progress of reform in these things. That is the root of my opposition to this scheme. I do not mean to say that I may not think that architecturally the site of Carey-street is a good site, but it is this practical view which is at the bottom of my opposition.

2475. It is not only that the change of the site from Carey-street to the Embankment will counteract the progress of reform now taking place, but it will absolutely deprive that large class of practitioners, to whom you have referred, of the advantages which they have enjoyed since 1849?—To a very great extent it will do so.

2476. Do you make that statement even if the bridge and the tunnel are made?—Certainly; the bridge and the tunnel will merely save the additional delays which would arise from the obstructed state of the Strand and the discomfort and the inconvenience of having to make your way through such traffic, a traffic, it is to be observed, which would be much increased.

2477. But, assuming that the bridge and the tunnel are not made, what, then, will be the position of this large and important class of professional men?—Of course, still worse; let me for a moment ask the Committee to recollect that those who speak of a bridge and a tunnel do not mean a bridge and a tunnel all the way from Lincoln's Inn to Howard-street, and, therefore, the most that we should have would only be a deliverance from omnibuses and cabs; but only imagine these men having to go backwards and forwards in their wigs and gowns on snowy days, and rainy days, and on all days; I know very well what it was to go to the Rolls under those circumstances; it was a thing which you could just do and only just do; the courts in Carey-street will be a little nearer than the Rolls, and the others will be practically half the distance to Westminster; I say practically, because we should get into a cab to go to Westminster, and we should not get into a cab ordinarily to go down to the Embankment; I am not sure that it would be an exaggeration to say that the courts at Westminster would be practically as near as the courts which are being proposed on the Howard-street site, because you always went to Westminster in a cab.

2478. To finish this branch of the inquiry, I will ask you if it would be necessary to purchase ground up to the south of the Strand in order to enable the Government to give this limited accommodation by means of a bridge and tunnel?—I suppose so; I have not gone into that part of the subject.

2479. With respect to the opposite inconvenience that might be felt by those who live in the Temple, you, of course, are aware that by the plan sanctioned by the Royal Commission and accepted provisionally by the late Government, a bridge was provided from the Temple across Fleet-street to join the Carey-street site?—Yes, and perhaps I may be permitted to say that that ought not to be reckoned in the same category with those larger extensions of the Royal Commission which have been so much criticised; that was a thing distinctly mentioned in Parliament and contemplated when the Bill passed, and the Temple supported the scheme, in a great measure relying upon the access so to be given; and, therefore, it seems to me that it is a thing which Parliament and this Committee ought to regard as quite separate from the very large extensions about which different opinions may be entertained, and which have been proposed for reasons of an entirely different kind.

2480. Can you give us any idea what further delay would be incurred if the bar had to robe in the new building on the Howard-street site?—I think that would make very little difference; the great probability is, that those who intended to go backwards and forwards, which I believe would be nearly impossible upon the Howard-street site, would do it in their wigs and gowns; and whether they had occasion to go to the court in the first instance, and robe in the robing-room there, or whether they robed in their own chambers, would make little difference, I think.

2481. You have been asked several questions by the Chancellor of the Exchequer as to the possible separation of the interest of the profession from the interest of the public, and I understood you to say that you found a difficulty in making that distinction, and that the interest of the profession in all its branches was in reality the interest of the public, *quâ* the erection of the New Law Courts?—I should say so, certainly; and perhaps I may be permitted to add this, I do not wish to suggest any pecuniary motives on the part of the Templars, but there is this little fact which may be mentioned, that in Lincoln's Inn we have no possible pecuniary interest in the value of the property there; no bencher or member of Lincoln's Inn gets, directly or indirectly, a shilling of profit from the chambers or the value of the land; but in the Temple I rather think that there is some little profit of that kind, that the benchers, in rotation, get chambers which they

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they may let out at a profit rent, but we in Lincoln's Inn have nothing at at all to look to but the facility of the transaction of our business, which is the business of the public.

2482. Do you see any analogy between the erection of the Law Courts, on the site most convenient to the profession, and the erection of public offices, erected for the public service of the State, in the immediate neighbourhood of the Houses of Parliament?—I think that the same motives would operate in this case in at least as great a degree; I should almost think, when you look at the constant necessity that the same persons have, particularly solicitors, to be going round from one office to another many times in the course of the day, the reasons would considerably preponderate in the case of the legal business.

2483. Then, if the Commission, for instance, which has sat for the last two years on the concentration of public offices, reported that it would be for the public convenience that all the public offices should be concentrated in the immediate vicinity of Whitehall, do you imagine that it could be possible to set up a distinct and hostile interest between those who carry on the business for the public in these public offices and the general public?—I should not have thought, *à priori*, that it was possible for anyone to think of such a thing.

2484. You have been asked whether if the Home Circuit is brought up to London, it would not be very convenient for all who would be concerned in the Home Circuit to have the Law Courts placed on the Embankment site; but may I ask you with regard to persons coming from Kent and Surrey, for instance, where would they be landed, coming by railway; would they be landed to the south of Howard-street or not?—Well, I really do not know; I think it would depend very much on their convenience, and other motives which I cannot estimate.

2485. If they came by railway to the Charing Cross station, they would be landed in the Strand?—Yes.

2486. If they come to the Ludgate Hill station of the London, Chatham, and Dover Company, they would be landed equally to the north of the Embankment site?—Yes; but the real truth is that it is a great mistake to suppose that everybody would go straight to the courts; they will go to their own business, their solicitors, their friends, or their families; they will not all come from one side of London or from the other.

2487. Mr. *W. Cowper.*] You have stated the advantages which you consider that the Carey-street site has over the Howard-street site, as regards barristers and solicitors; would you state your opinion as regards the other persons who have to go to the courts, such as the clients and witnesses, and jurors?—I have just said that I think no human being can tell where they will come from; and I see no reason whatever to suppose that they would find it more convenient to come by the Embankment road, than from the north or east or west. One thing I see, which will follow inevitably from adopting the Howard-street site, namely, that you would bring across the Strand the transit of all the northern business, which would create a great obstruction to the proper traffic of the Strand; but beyond that, I do not see what data one has to go on to determine how people would come. I am quite sure that the northern persons would not go by the Embankment road, and it would be of no use to them, and that is the great mass of the professional persons, and their papers, and everything dependent on them, that will have to come to the courts.

2488. As to the business of those persons, is it usual for them to go to solicitors' offices previous to going into court?—A great many of them do; but a solicitor could tell you better than I can how far that is general.

2489. Mr. *Bentinck.*] You are a bencher of Lincoln's Inn?—Yes.

2490. You are acquainted with the proposal of Lincoln's Inn, contained in the petition referred to this Committee, with reference to the building of the courts?—Yes.

2491. Do you concur with the benchers, that the equity courts should be retained in Lincoln's Inn?—No, I am not of that opinion.

2492. Are you aware whether by the reduced rival plans certain courts of justice and other offices are omitted?—Well, hardly any court of justice, I think; if you look at the plans you will see that there are two spare courts; that there are three courts for each of the common law courts, and two spare courts, beside the Court of Admiralty, and Court of Probate and Divorce, and a court for each of the Chancery Courts. It seems to me that there is plenty of room there for a Bankruptcy Court, if you want to have one; and, if necessary, you might have a Privy Council Chamber in one of those spare courts.

2493. Mr. Burnet and Mr. Street have been examined before this Committee, and at Question 676 Mr. Street, in answer to the Chancellor of the Exchequer, says, "We have omitted three Courts of Justice, the Probate and Admiralty Offices, the Land and Middlesex Registries, the Accountant General's Office, the large refreshment department, offices for Royal Commissions, and office for Bankruptcy Registrars"?—I really do not know what Mr. Street means by three courts of justice; I can follow him as to two; he means that they have not made a provision expressly for the Bankruptcy Court, and not made a provision expressly for a Privy Council Chamber; but against that I put the two spare courts, which it seems to me would be available for those purposes; what the third is that he means, I really do not understand; with regard to the offices, what you have read is quite right.

2494. However that may be, by accepting the proposition of Lincoln's Inn generally, could these offices be accommodated in Lincoln's Inn, with advantage to public convenience and to economy?—I do not know at present whether Lincoln's Inn would propose to give the same facilities for any other purpose which it offered for the purpose of the courts of equity as distinct from other courts; but supposing that Lincoln's Inn would, then I think that there would be great advantage; and the question suggests to me, what perhaps I may be permitted to say of my own accord, that amongst other reasons of convenience in favour of the Carey-street site, but which I have not yet mentioned, is this. Now that it is not proposed to concentrate all the offices, taking the fact that you have got the Record Office at the Rolls, and the premises now occupied by the Judges' Chambers in Chancery-lane, in close proximity to the Carey-street site, and some parts of Lincoln's Inn, now occupied by the Accountant General's Office, all of which lie much more conveniently to the Carey-street site than

than to the other, those are reasons in favour of adhering to the site where you would get the nearest approach to concentration, even with respect to those offices which you do not bring into the building.

2495. Then you think that if Lincoln's Inn were pleased to extend their proposition in the manner I have mentioned, it would be an advantage to the public to accept it?—Yes, certainly; I think it would be so as to any offices which you want to provide for, and which you cannot provide for on the same site with the new courts.

2496. And I also understand you to say that a portion of the Rolls estate might be applied to the location of these new offices?—That part which is now occupied by the Judges' chambers might certainly, I should think, because the Judges' chambers will be in the building. With regard to the rest it is not a thing to be overlooked that the proximity of the Record building (which will remain as it is) to the new courts will be a matter of great convenience. Records are not unfrequently wanted to be taken from it, and the Master of the Rolls is the keeper of the records; and I remember very well that before the Commission of 1859, he gave evidence against moving his own court at all on account of the very great convenience of being able constantly to communicate with the record officers under him; that he would certainly do with much more facility from the Carey-street than from the Howard-street site.

2497. The old building of Lincoln's Inn to which the Chancellor of the Exchequer has referred, would according to the plan of the new courts of Lincoln's Inn, if that plan were carried into effect, be pulled down?—I suppose some part of them would, but I do not know whether that has been worked out in detail.

2498. Mr. *W. Cowper.*] This Committee have been advised that we may expect that the Carey-street site, if sold again, would be greatly in demand for the chambers of members of the legal profession; have you any reason to suppose that there would be such a competition for the land for that purpose as would lead us to expect that it might be well sold?—I think that it would be a very uncertain speculation indeed. It is to be remembered that the numbers of the legal profession are pretty well fixed by other causes, and would not be liable to increase at all on account of any place that you may put the courts in; and therefore it would be a question of drawing outlying members of the legal profession down there. I do not believe that those who are furnished with good chambers already which have got a goodwill attached to them, and to which their clients are accustomed, would be likely to take new chambers merely to be nearer the courts.

2499. You do not think that so large a speculation of this nature would afford to us any guarantee of such a demand?—I should be exceedingly unwilling to take shares in it.

2500. Mr. *Osborn Morgan.*] The number of solicitors in London you stated at 3,153, but I suppose a great many of those gentlemen who seldom practice in court?—No doubt, because those are all the names in the Law List.

2501. I presume that those not practising in court would be persons to whom the site of the law courts would be comparatively a matter of indifference?—I should think so.

2502. Then I may take it that the number of individuals that you have given, namely, 1,661, represents not merely a bare majority, but a considerable majority of the persons interested in this question?—I should certainly think so.

2503. You spoke of the inconvenience which you yourself experienced as a Queen's Counsel in going from your chambers, which were in New Square, I think, to the Rolls Court?—Yes.

2504. Would not that inconvenience be felt much more by the junior members of the profession?—Yes, to myself personally, or to any one in my present position, the question is of much less practical importance; I have no hesitation in saying that I am almost as much distracted now, having to go to the House of Lords and the Privy Council, as I used to be in former days; but I have now no chamber business, so to say.

2505. The reason why it is so much more important to juniors is, that they combine chamber work with court work?—Yes, and I may add it is of the greatest importance to beginners. When a man is making his way, to be absent either from his chambers when he ought to be there, or from court when he ought to be there, might be fatal to him.

2506. And, as a matter of fact, are not conferences and consultations constantly held by junior counsel during the time when the courts are sitting?—Yes.

2507. Could that take place if the courts were further removed?—No, I think it could not; and by way of illustrating that, I would mention that nothing is more rare now than to go for consultation from Lincoln's Inn to the Temple while the courts are sitting; the risk of going that distance for consultation is almost incompatible with due attention to court business.

2508. Do you consider that, to a common law man, it is such a great desideratum as it is to a Chancery barrister to be close to the courts?—It is not; because the Temple barristers have never had the advantage of it; it probably might in time become so if they had; they would soon find the advantage if they had the opportunity, because I observe that Baron Bramwell, in the evidence which he gave in 1841, I think, spoke of the immense loss of time; Westminster Hall was the idlest place in the world, he said; and other common lawyers stated that they could have found the means of using their time to their own benefit, and to that of their clients, if they had been able to be in their chambers.

2509. Surely the chamber work which a common law barrister engaged in court does, is much less than that of a Chancery barrister?—It is much less, as a fact, though it might be more if he could more conveniently combine the two things.

2510. As regards drawing pleadings, a Chancery barrister is more engaged than a common law barrister in that work?—Yes; but I suppose that that circumstance which I have mentioned may be a frequent cause of the practice of having pleaders under the bar in common law, because it was impossible almost to unite the two at the same time.

2511. As a matter of fact, when the court sat at Westminster, did the lawyers' offices or the barristers' chambers congregate round them to any extent?—No; Lincoln's Inn is much older than Queen Elizabeth; it is as old as Fortescue; and it is absurd to suppose that those colleges (which I hope to see made into a university) would be removed.

2512. You were asked by the Chancellor of the

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Exchequer about the dilapidated state of the chambers in Lincoln's Inn; that would only apply to Old Buildings?—It would.

2513. Stone Buildings are quite modern, are they not?—Yes.

2514. And New Square?—New Square was built after the fire of London; some parts of it have been rebuilt more recently; but not all.

2515. Mr. *Goldney.*] We have had a distinction endeavoured to be drawn before the Committee between the public and professional men; but the economy of time to professional men is economy of time and money to the public, is it not?—Yes; it appears to me that that part of the public which is interested in the administration of the law has an interest inseparable from that of professional men.

2516. With reference to City and Westminster solicitors, in the event of the courts being placed on the Carey-street site, they would be able to have consultations with counsel or solicitors living in Lincoln's Inn, which they would not at the Howard-street site?—Yes; I should imagine that the more you collect into one focus all the engagements which they have, the more convenient it would be to them, and much more important than the relation of their own individual place of business to any one other place which they might have occasion to go to.

2517. And the facilities of being able to see solicitors or counsel in all the courts would be much greater if the Carey-street site were adopted than in the other case?—Yes.

2518. Mr. *Beresford Hope.*] I understand you to say that, supposing the courts were to be built on the river, the solicitors might change their chambers and gravitate down there, but that you thought the barristers would not be likely to do so?—I did not say that I thought the solicitors would, but merely that the solicitors were, so to say, more accidental residents in Lincoln's Inn and the Temple, whereas the barristers were the ordinary members of those societies. The societies of Lincoln's Inn and the Temple are formed of barristers, and are really colleges of barristers, but within the buildings there live many solicitors to whom it is a great convenience to be so near the barristers whom they constantly employ in business. I do not believe that that inducement would be a bit less powerful if you removed the courts. The convenience of being in what will always be the principal focus of business must be the same to the solicitors, and to the same proportion of solicitors, as at present.

2519. In the present day the collegiate feeling is so far broken into that there are many Templars who have their chambers in Lincoln's Inn, or *vice versâ*; do you not think it possible that that feeling might be still more broken into from motives of local convenience?—I think it would be difficult to say how that would operate. It is quite true, as you say, that a common lawyer, even if belonging to Lincoln's Inn, might find it convenient to have his chambers in the Temple, and an equity lawyer, even though belonging to the Temple, might find it convenient to have his chambers in Lincoln's Inn. I should imagine that where you have an aggregate of practitioners in one line there it would remain.

2520. The advocates for the Howard-street site contemplated the building of large masses of chambers that would be altogether, perhaps, something like a new inn of court in Carey-street; you do not think it likely that the solicitors and barristers would gravitate down to those masses of new buildings as they now do to the Inns of Court?—No, I do not; supposing that you could build all these streets just round the New Courts, there might be more chance of such an experiment answering; but when the difference was only moving a certain number of feet further, still being on the north side of the Strand, I do not think that there would be any chance of old associations being broken up to attain such an object.

2521. With a bridge and a tunnel, involving steps to go up and steps to go down, do you think that that experiment would answer?—No; I think that is a purely chimerical idea, and the proof is that all the former circumstances that I have mentioned never did produce a sensible influence upon the position of the chambers; the courts, in fact, have come to the chambers, but the chambers have not gone to the courts.

2522. Looking forward to the future fusion of common law and equity, do you consider that it would be a positive advantage to have the courts at a point about equi-distant between the Great Common Law College and the Great Equity College, so as to bring the two branches of the law face to face?—Yes, that has been the great object in the whole plan of concentration; and there is no doubt that any mode of carrying that plan into effect which makes it very much more convenient to one portion than to another portion of the profession, is partial, and may operate to diminish the tendency to fusion.

2523. You consider that that concentration which merely involves putting all the courts under one roof, and does not include placing them centrally in regard to the different offices and chambers, is a limited view by concentration?—Yes, and for that reason I alluded to the evidence given in 1859.

2524. We assume that that is your argument *in limine* against the river site, and in favour of the Carey-street site?—Yes; I have no hesitation in saying that I think that this Carey-street site is abstractedly the best site, and that no considerations of architecture, or even of economy within limits, would appear to me capable of counterbalancing that consideration.

2525. And if you heard that competent authorities said that you could construct an equally good building architecturally on the Carey-street site, that would confirm you in your opinion?—Yes.

The Honourable GEORGE DENMAN, Q.C., a Member of the House; Examined.

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2526. *Chairman.*] WE understand that you have formed a decided opinion upon this question of the New Law Courts?—Yes, but upon only one branch of it, that is to say, the greatly superior convenience to the profession, and through the profession to the public, of the Carey-street site.

2527. Will you then kindly give your reasons for your opinion?—My main reasons have been clearly stated in far better language than I can state them myself just now by Sir Roundell Palmer. The short view that I take of the matter, is this, that the great object of removing the courts from Westminster to some other site, being

being that they may be placed in a central and convenient spot for the accommodation of lawyers, and through them for the saving of the pockets of the suitors, the Carey-street site is a well chosen site for that end, and that the Thames Embankment site is nothing like so convenient. Perhaps I might state that there is one point in which I do not quite go along with Sir Roundell Palmer. He seemed to me rather to admit that though the Carey-street site would be very superior for the equity barrister, it would not be so superior to the common law barrister, because the common law barrister resides in the Temple. Now, that must be taken with a considerable qualification; I am a common law barrister myself, though a member of Lincoln's Inn, and as a common law barrister, I am obliged to have my chambers in the Temple; those chambers are in Tanfield-court. Many other barristers reside in King's Bench Walk, which is farther from the now proposed site on the Thames Embankment than Tanfield-court is. If I understand the plans, the courts are proposed to be placed on the west end of the Thames Embankment site. Now, if they were placed at that point they would be nearly, I think, double the distance from my chambers of the distance from the Carey-street site; I may be wrong in the measurement, but I believe it is about that.

2528. Mr. *Hunt.*] Are you taking the centre of each site?—No; I take the centre of the Carey-street site, which I suppose is about the place where some of the courts would be. Or I would suppose that the common law courts would be so placed as to accommodate the common law bar in the Temple, and the equity courts so as to accommodate the equity lawyers in Lincoln's Inn; taking that to be so, I understand that, as a fact, it is proposed that the courts on the Embankment site are to be at the Somerset House end of the new building. That would leave my chambers double the distance from the courts that they would be from the Carey-street site. Being a common law barrister, and having to attend many towns on the circuit, I have taken the pains to look at the distances of my own lodgings from the courts in various towns, and to see what effect that has had upon my own practice and conduct. We have seven towns on the Home Circuit, at every one of those but one, my lodgings are within 250 yards of the court. Of course we get as near as we can to the court. I find that at the most distant of those lodgings that I have just referred to, viz., those under 250 yards, I am to a certain extent inconvenienced. I have to spend more of my time than is convenient to me and to my general clients in the court; because if I am not in court there is a risk of my case being called on, and then being struck out, and my client in that case being mulcted in heavy costs, and very great loss occurring to him; and therefore, even at a distance of 250 yards, I begin to find that I cannot spend my time in lodgings, reading other briefs, and preparing myself for other business, as I can when I am nearer, as I am in every other case but one. In the seventh case my lodgings are 400 yards from the court, and I find that, to adopt Sir Roundell Palmer's expression, it is almost entirely prohibitory of attending to my business in lodgings; I am obliged, for fear of accident, to be constantly in the court from morning to night, with slight exceptions, rather than undertake the risk to myself and my clients of being absent for a sufficient time to go to and from my lodgings; which would be a sufficient time to also probably cause the judge to refuse to wait any longer, if my case should be called on. That applies, I believe, throughout; and I believe that the 200 or 300 yards to and fro, which have been treated sometimes so lightly in the House of Commons and in other places, are a very serious matter to be taken into consideration; in fact, that they are almost the whole question. There is one more observation that I should make, apropos of something I heard to-day; the question whether the alteration of the Home Circuit, to which I belong, and the bringing its business to London, would cause any difference in regard to the considerations affecting this question: it ought to be known that two-thirds of the business of the Home Circuit (I am speaking well within the mark) is purely London business, or business which comes from every part of the country; it is not business arising from the five home counties; so that if those causes were tried in London instead of on the Home Circuit, exactly the same arguments and reasonings would apply, with regard to the convenience of jurymen, witnesses, and others, as would apply to the pure London causes. I can only state that I have a very strong conviction that the courts being placed in Carey-street would be very satisfactory and very convenient to the profession, and would save a great deal of money to suitors; and that the removal of them to the Embankment near Somerset House, would, I will not say leave things so bad as they are at present for the common law bar, but instead of making a very important alteration, would leave things to a very considerable extent as bad as they are.

2529. Lord *John Manners.*] With reference to your statement that you, residing in the Temple, would find it more inconvenient to go to the west end of the proposed Howard-street building than to the centre of the Carey-street site, are you able to say whether that would apply to those Templars who live in Hare-court?—I should think, but I have not measured it, that it would be considerably further from Hare-court to the proposed site of the new courts, than it would be from Hare-court to the south-east end of the Carey-street site; I have not measured it, but I should think so; that plan which I see there leaves out all to the east of the Temple Church, a considerable part of the Temple.

2530. The north end of Kings' Bench Walk appears to be thickly studded?—That I should think would be much further from the proposed site of the courts, as I understand it to be placed at the west end of the Thames Embankment site, than it would be from any place in which the courts could be expected to be placed on the Carey-street site; at least 100 yards or two I should say; that would be enough to make a serious difference.

2531. The same observation would apply to a great extent to those who may reside in Serjeants' Inn?—Serjeants' Inn, Southampton Buildings, Chancery-lane, and Lincoln's Inn, would be altogether cut out by placing the courts on the Thames Embankment.

2532. Therefore it is not correct to say generally that the Thames Embankment site, as proposed to be laid out by Mr. Street, would be more convenient to the whole of those who reside in the Temple, than the Carey-street site?— I should think that it would not be so convenient to a great many of the residents in the Temple; I cannot

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I cannot state the proportions, but I think fully one-half.

2533. You have no doubt that with respect to those who live in Lincoln's Inn, the removal from Lincoln's Inn to the Embankment site would be most inconvenient?—Yes, most serious.

2534. Mr. *Osborn Morgan.*] Even taking the part of the Temple which is nearest to the Howard-street site, would not that be nearer to the centre of the Carey-street building than it would be to the part of the Howard-street site where it is proposed to erect the courts?—That is a matter of measurement; but if it be so, I think that every 100 yards additional is a very serious consideration.

2535. Mr. *Goldney.*] It was stated by one of the witnesses on Friday, that one of the advantages in the Embankment site was that jurymen and witnesses would be able to run down the steps into the Temple Gardens and amuse themselves before their cause was called on; do you think that that has anything to do with the question?—I cannot think that the disporting themselves by the jury and the witnesses is an important element in the case; witnesses come for the particular cause in which they are engaged, and have done with it. It is otherwise with professional men.

2536. And, as a rule, they are more or less interested in what is going on in court, are they not?—Sometimes they are, and sometimes they are not.

2537. At all events, the garden question is not an element that you would consider?—I think not.

2538. Mr. *Beresford Hope.*] It was a part of the original scheme, I believe, that there should be a bridge replacing Temple Bar from the Temple to the Carey-street site; on the other hand, it seems admitted on all sides, that Essex-street must be widened wherever the Law Courts are to be placed; is it not a fact, then, that if Essex-street were widened, the courts on the Embankment would be more inconvenient to those professional men in Carey-street, unless a bridge were provided to enable them to cross the Strand, than the other plan would have been to those in the Temple?—To Lincoln's Inn, most certainly it would.

2539. It must be remembered that by that scheme Essex-street, instead of being a bye-lane, as now, would be a main thoroughfare of London?—Yes; but I should then contemplate that a bridge might be made over Essex-street as well as Temple Bar; something of the kind would have to be done. I have always assumed, and I think anybody would assume, that when once these courts are removed close to the legal residences and the chambers of the barristers, we shall have greater facilities than exist at present to make them accessible in all weathers. I should even contemplate covered ways all through the courts of the Temple and Lincoln's Inn, leading to bridges over the Strand and Carey-street, and I have no doubt that that would come in time.

2540. Do you agree in Sir Roundell Palmer's opinion, that the idea of the Carey-street site being covered with a large mass of buildings, which might be used for solicitors and barristers, is chimerical?—I entirely agree with another view which he expressed, which is that solicitors once settled in old chambers, which they and their predecessors have dwelt in for centuries, would be very hard to move. But supposing that they were compelled, by such an alteration as is contemplated, to move on to an entirely new site, they would, if they paid anything worth the Government's receiving, have to pay enormously for their new chambers; and the public would have, in one way or another, to suffer for everything in the way of expense that they had to incur. I do not think that it would be good for the public that the solicitors should build enormously expensive buildings on that other site.

2541. You think that the clients would pay for it?—Yes, eventually they would, no doubt.

2542. Mr. *Hunt.*] I see that there is a petition from the benchers of the Inner Temple, signed by the treasurer on their behalf, in favour of the Howard-street site?—Yes.

2543. Are you aware whether the benchers represent the barristers who live in the Inner Temple?—I know that in one instance a bencher of that Inn, if he is to be considered a party to that petition, does not represent even his own opinion, for he is a Member of this House, and he told me that he was entirely in favour of the Carey-street site, as far as the convenience of the profession went; and he thought that it really was the right site, but because a petition had been sent in by his bench he felt bound to vote for the Embankment site.

2544. He was not present at the meeting, perhaps, when the petition was decided upon?—I cannot tell you; I have not looked at the petition. I should add, that I may be mistaken in what I have said just now; it was a bencher of the Temple; I am not quite sure whether it was the Inner or the Middle Temple.

2545. But the Middle Temple would certainly be more likely to be inclined towards the Howard-street site than the Inner Temple?—They are nearer to it.

2546. Has the crossing of the Strand anything to do with the opinions of the Temple with regard to whether the courts of justice should be on the one site or the other?—Not as far as I can tell. Living in the Temple, and talking to the members of the Temple on this subject, the feeling of the benchers of the Temple is, I believe, mainly actuated by a sense of duty, a feeling that it is their duty to increase the value of the property of their Inn as much as they can; I have heard that avowed.

2547. How would their own property increase in value by the adoption of the Howard-street site?—Because Lincoln's Inn would be cut out, and chambers in the Temple would be increased in value.

2548. There would be a greater run upon the Temple chambers, in fact?—There would be a greater run upon the Temple chambers; that view I have heard expressed by members of the two benches of the Temple, without the least hesitation; I am a bencher of Lincoln's Inn myself, but I have never taken any part whatever in the discussion of this subject in the Inn; I have never attended a bench on the subject; I disapproved of the view that Lincoln's Inn originally took, which was one analogous to that which the Temple is now taking, and which induced them to desire to keep the whole thing in Lincoln's Inn, and not to have a concentration of courts at all, because the equity business was transacted near Lincoln's Inn, and it was supposed to be good for the Inn to keep things as they were; I always stood aloof from Lord Justice Selwyn's view in that respect, and never took any part in it;

it; my interest is rather that of a common law barrister. I am obliged to have my chambers in the Temple.

2549. Have you seen some statistics laid before the Committee with regard to the number of barristers and solicitors who would be accommodated by the Courts of Justice being on the Carey-street site or on the Howard-street site?—No (*the paper containing the statistics was handed to Mr. Denman*). This paper I think must be a very loose statement indeed, because it assumes that the Embankment site would be the most convenient for 1,107 barristers residing in the Temple, and it does not assume that it would be less convenient for any single barrister residing in the Temple. Now, I am a barrister residing in the Temple, and I do not hesitate to say that to me the Carey-street site will be more convenient, and I believe that it will be so to at least all in the Temple east of the Temple Church.

2550. You cannot take the Temple barristers and solicitors in a lump, and assign them all to the Howard-street site?—No.

2551. And could you do it with the City solicitors?—I should have thought not; many of the City solicitors would be just as well pleased, I should think, to approach the Carey-street site along Holborn and by a wide opening from Holborn to the Carey-street site, as they would be to go along the Thames Embankment.

2552. And you think that those statistics to which I have called your attention, without being further analysed, would be very deceptive?—I think so.

2553. Mr. *Layard.*] On the other hand there may be solicitors in Gray's Inn and other places to the north of Holborn who may be in favour of the Embankment site?—People may be in favour of anything on æsthetic or other considerations, but as far as local convenience is concerned I cannot conceive a solicitor in Gray's Inn thinking the Embankment site more convenient than the Carey-street site. He may prefer it on other grounds than those of convenience.

2554. Therefore that analysis, to which you have just been referring, is merely the opinion of the person who drew it up of what he presumed to be the views of the persons inhabiting certain parts of London?—I should gather it to be nothing more.

2555. As a matter of fact both the Temples have petitioned in favour of the Embankment site, have they not?—The benchers have done so I understand.

2556. And the benchers of Lincoln's Inn have not petitioned in favour of the Carey-street site, have they?—I am not aware whether they have or not.

2557. They have petitioned not in favour of the Carey-street site, but of Lord Justice Selwyn's scheme?—I know nothing of it; I have always stood aloof, as being a common law barrister, from that discussion.

2558. Mr. *Hunt.*] Do you know whether the meetings of the benchers of the different Inns were summoned specially, *ad hoc*?—I do not know; I may have received a special summons for the purpose, but I did not take any notice of it, nor do I remember it.

2559. Mr. *Osborn Morgan.*] Would not the effect of placing the courts of justice on the Howard-street site, be to give the common law barristers residing in the Temple, a great advantage over those residing in Lincoln's Inn in the event of any fusion of the courts?—I think that it would give them an unfair advantage.

Friday, 23rd July 1869.

MEMBERS PRESENT:

Mr. Bentinck.	Mr. Hunt.
Mr. Chancellor of the Exchequer.	Mr. Layard.
Mr. William Cowper.	Lord John Manners
Viscount Enfield.	Mr. Mowbray.
Mr. Goldney.	Lord Stanley.
Earl Grosvenor.	Sir William Tite.
Mr. Beresford Hope.	Mr. Watkin William.

THE RIGHT HONOURABLE LORD STANLEY, IN THE CHAIR.

Mr. JOHN YOUNG, called in; and Examined.

Mr. *J. Young.* 23 July 1869.

2560. *Chairman.*] YOU are a member of the legal profession?—I am. I have been, I am sorry to say, more than 40 years in practice; during 36 of which I practised exclusively in the City.

2561. Are you connected with the Incorporated Law Society?—I have been a member of the Council for 21 years.

2562. Where are your offices situated?—The firm of which I am the head still carry on a large business in the very heart of the City, but I act as the solicitor for the Great Western Railway Company, and as their business occupies my entire attention, I am obliged to leave my City and general business to my partners. I carry on the Great Western business partly at Eastbourne-terrace, Paddington, near the station, and partly in Abingdon-street, for the purposes of their Parliamentary business; so that I may be considered both as a City lawyer and as a West-end lawyer.

2563. Then in the event of the Law Courts being removed to either of the two sites now under consideration, you would probably in attending them come from the West-end?—Yes.

2564. You have looked at the question mainly, I suppose, in that point of view?—Yes; but I have looked at it from both points of view, as being very familiar with both.

2565. Will you tell us which of the two sites you prefer?—I think that, looking at the question as one of convenience, there can scarcely be a comparison between the two. The Carey-street site, beyond all question, is the one I prefer.

2566. Taking it as a question of convenience for those who come from the West-end, do you think that the access to Carey-street is as good an access as that to the Embankment site?—I do think so; there are some solicitors of great eminence practising at the West-end of the town, at a certain part of the West-end, to whom I think the Embankment would be the more convenient site of the two. For instance, it would be so to all those who practice in Victoria-street, Victoria Chambers, and Westminster Chambers. To myself in Abingdon-street, if I had to go to the courts from Abingdon-street, the Embankment site would be shorter and more convenient than the Strand. If you take the solicitors practising immediately round Charing Cross, assuming as I do, that there will be a good opening from Charing Cross on to the Embankment, to those solicitors (who are very few in number, so that you may almost count them on your fingers), the Embankment would be more convenient, but to those who live at a wider distance, I do not see any advantage whatever in the Embankment site.

2567. Do you not apprehend any delay from over-crowding in the Strand?—No, I do not at all. I have had occasion to look a great deal into this question for many years past. I was a member of the Royal Commission, known as Sir George Lewis's Commission (but which I think might be more properly called Sir John Coleridge's Commission, for he was the Chairman of it). At the time that Commission was appointed I was the president for the year of the Incorporated Law Society; I entered into correspondence with the noble Lord the Member for North Leicestershire, who was the Chief Commissioner at that time, and it became my duty, as the exponent of the views of the Society, to lay before his Lordship the grounds upon which they thought that the time had come when all the courts and all the offices should be concentrated on the Carey-street site. Lord John Manners promised to bring the question under the consideration of the Cabinet; it was brought before them, and this ultimately led to the appointment of that Commission of which I was a member. The whole question was most thoroughly examined by that Commission. I should state that the subject had been under the consideration of Parliament on two or three previous occasions; I think I may say that it was by the instrumentality of the Incorporated Law Society, who have taken the deepest interest in the question from the very beginning, that Sir Thomas Wilde first of all brought it forward in Parliament, and procured the appointment of a Select Committee in the year 1842. There was another Committee in the year 1845; and both of those Committees took a great deal of evidence. The most eminent Judges of that day, the leading and most distinguished members, both of the equity and of the common law bar, and a great number of the leading solicitors of that day, were examined before both those Committees, and that evidence and the Reports of the Committees were laid before the Commission of 1859–60, of which I was a member. We also took a great deal of evidence ourselves; the leading members of the profession were examined as witnesses before us, and I think I may say that there never was a subject more thoroughly canvassed and examined than that was. We had before us then what I may call four distinct schemes. One was to keep the courts at West-

minster

minster; but it was very soon found that, practically, that was an impossibility. There was a great desire in many quarters, having regard to the traditional veneration, legal and historical, for Westminster Hall, to keep the courts there. There would also have been some convenience in that plan to the Parliamentary Bar, and to those members of the Bar who were in the habit of attending the meetings of the Judicial Committee; to them no doubt it would have been a convenience to have the courts at Westminster; but there was no possible spot where the courts and offices could have been concentrated, even if that had been a convenient site, which it was not; and that scheme was, therefore, very soon abandoned. The second scheme was that known as the Lincoln's Inn scheme, which has been mentioned here several times, and which was very shortly this. The Society of Lincoln's Inn offered to give the ground, and at their own cost to erect buildings thereon for the accommodation of the Courts of Equity. There are at present very convenient courts for the Lord Chancellor, the Lords Justices, and the Master of the Rolls, and for one of the Vice-Chancellors. But there are two most inconvenient courts, little better in fact than hovels, in which the other two Vice-Chancellors sit, and these are separated from their own chambers, and from the offices. The Society of Lincoln's Inn offered to build two commodious courts for the two Vice-Chancellors, with suitable chambers in connection with them, at their own cost, which they estimated at 100,000 *l.*, but they annexed this as a condition, that they should receive 4,000 *l.* a-year, being interest at the rate of 4 per cent. out of a particular fund, known as the Suitors' Fund, of which the Committee have heard a great deal. That was the second scheme. It was very carefully examined, and much evidence was taken upon it, including that of the Master of the Rolls, Lord Romilly, Mr. Koe, the then treasurer of Lincoln's Inn, and some of the leading equity counsel. But the Commission thought that it would be fatal to the wider scheme of concentrating all the courts of law and equity, and all the offices, in one central situation. That, therefore, was not adopted. The third was a scheme for building courts and offices in Lincoln's Inn-fields; it was brought under the notice of the Commission by a very intelligent gentleman, Mr. Harvey Gem, but, for many reasons, it did commend itself to us. And there was finally the Carey-street site, substantially the site now before the Committee under that name; and that was, I may say, promoted mainly by the Incorporated Law Society. A very large amount of evidence was taken in reference to the convenience and capabilities of that site, and, I may say that, as regards the evidence taken before the Commission, it was all one way; all the witnesses of all departments of the profession, judges, barristers, solicitors, all agreed that it was pre-eminently the most convenient site that could be adopted. I am bound, however, to add, and it is, indeed, apparent, that at that time the Embankment site did not exist, and, therefore, it was not at all before us, and was not considered by us.

2568. Therefore, we can only take that expression of opinion to which you refer as indicating that the Carey-street site was then considered eligible, but the comparison now instituted did not arise?—It did not. Then, one very important part of the subject matter of reference to us, and which was specifically stated in the Commission, was the existence of funds by means of which these courts could be erected without making any appeal to the public; that is to say, to the taxpayer. I had given considerable attention to that subject, and I was requested by my brother Commissioners to prepare that part of our Report which dealt with the question of funds, which I accordingly did. I should state that there were very grave objections entertained at that time to the application of any part of the Suitors' Fund, which consisted of a sum of stock of nearly 1,291,000 *l.*, to any scheme excepting for the purposes of the suitors in the Court of Chancery. It was thought that the suitors in the courts of common law had no right to share in the benefit of that fund. That opinion was entertained by the present Lord Chancellor, who, as Vice-Chancellor, was a member of the Commission, and he dissented from that part of the Report, and stated his views in a paper of great ability, which is annexed to the Report. The same objection was shared by the late Lord Justice Turner and the present Master of the Rolls, as well as Lord St. Leonards and others, who thought that the fund was impressed with a trust in favour of suitors in equity, and that no part of it ought to be appropriated to the courts of law. The other members of the Commission did not share that view. They thought that, while it would be a gross misapplication of the money to apply it to any purposes whatever excepting those connected with the administration of justice, there was no sound distinction between the courts of law and the courts of equity, but that they were all parts of one great scheme for administering justice. The result has been that, by the Act of 1865 (there were two Acts of the same year, one for the purchase of the Carey-street site, and the other for raising funds to pay for the purchase and to build the courts), the sum of 1,000,000 *l.*, part of the 1,291,000 *l.*, was appropriated for the purchase of the site and the erections of the buildings. This was to be considered as the contribution of the equity suitors towards the entire expense; and I think it is provided in the Act that they should not, under any circumstances, be called upon to contribute anything more in any way or shape, either in the shape of capital money or of fees. That was provided by the Act of Parliament. The suitors of the Court of Chancery contributed a million in stock for the express purpose, as stated in the Act, of building courts upon the Carey-street site, and no where else; and I venture to submit to the Committee that it would be a very gross breach of Parliamentary faith to divert those funds, or the produce of those funds, to any other purpose than that to which they were specifically appropriated by the Act of Parliament. It appears by a Parliamentary Paper which I have here that up to this time, in round figures, 885,000 *l.* has been expended in the purchase of the site, in clearing it, in paying all the expenses of the Commission of every sort and kind, and in paying 11,000 *l.* to the competing architects who sent in plans for the new buildings. To that 885,000 *l.* the public, the taxpayers, have not contributed one solitary sixpence. The whole of that large sum has come from the suitors in equity; and it is now proposed, as I understand, to hand over the land which has been purchased by their money to the Demon of Dilettanteism.

2569. As I understand you, the objection

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which you take is this, that, the power having been granted by Parliament to apply this Suitors' Fund to the purchase of a site in Carey-street, it is not open to Parliament to divert it to the purchase of a site elsewhere?—It would be, I think, a gross abuse (if I may venture to say so in reference to the proceedings of so august a body as Parliament) of the power of Parliament,—a power which nobody can contest for one moment, least of all in these days,—to apply that fund, or the land purchased with that fund, to any other purpose, as for instance (to refer to what has been proposed before this Committee) to a grand building speculation for building offices and chambers, and so on.

2570. As I understand the matter, the fund was diverted from its original purpose, when it was applied to the building of the Courts of Justice at all?—I think not. That matter was most carefully and elaborately gone into by the Commissioners, and I do not think that Vice Chancellor Wood, or any of those who thought with him, objected to the application of the fund to purely Chancery purposes, because portions of it had been, in fact, already used for the purpose of building many of the existing Chancery Courts and offices. What they said was this: "You may very properly apply that fund" (which, it should be observed, does not belong to any suitors in particular, but is a sort of bankers' profit made by the employment of their general surplus balances) "to purposes in which the suitors of the Court of Chancery are interested, but you must not use it for any other purposes." The guardians of that fund have consented to one million of the stock being used for the purpose of building courts of equity on the Carey-street site. It is now proposed to let out the site acquired with their money for building chambers and offices, which I think would be an abuse. In the same way, another part of the fund to be contributed towards the building of the concentrated courts and offices was the fees paid by the suitors at common law, which yield a considerable surplus. Those fees were, by Act of Parliament, under the exclusive control of the judges, who had power to raise or to lower them, as they might think expedient. The fees produced a considerable yearly surplus, and the accumulations of that surplus at the time we made our report, amounted, I think, to 85,000 *l.* or 86,000 *l.* We thought, and reported, that that particular sum was properly applicable for the purpose of building courts for the accommodation of suitors at common law. The Treasury of that day thought otherwise, and wished to have the right of control in these fees transferred to the Treasury, and brought in a Bill for that purpose. They withdrew that Bill partly in consequence of the opposition that the Incorporated Law Society, as representing the suitors, made to it. But, after the existing Commission was formed, negotiations took place, which were conducted by Mr. Childers, representing the Treasury, on the one hand, and the Commission on the other; and the Right Honourable gentleman the Member for North Northamptonshire will recollect what passed on that subject. A compromise was ultimately arrived at, by which the control of the fees, for the future, was transferred to the Treasury, but one moiety thereof was to be treated as a fund, upon the strength of which capital was to be advanced by the State to complete the building of the concentrated courts and offices. This fund was described in the Act as the Annuity or Redemption Fund, and it was to be applied in repaying the advances made by the State, with interest, in a given number of years. That arrangement, again, had reference exclusively to the Carey-street site. The Act of Parliament which permitted the appropriation was for the purpose of erecting courts in Carey-street. Again, I think that it would be a breach of Parliamentary faith if funds, which were allowed to be applied towards building courts specifically at Carey-street, are to be diverted to some other purpose.

2571. I do not quite understand on what ground you think it is legitimate to apply these funds to build Courts of Justice in Carey-street, but not legitimate to apply these funds to build Courts of Justice in Howard-street?—Because those who, on that occasion and in that matter, were considered to represent the suitors, I mean the Incorporated Law Society (for the suitors, as a body, have no other mouthpiece), considered that it would be on the whole for the interest of the suitors at common law, that courts and offices should be erected on the Carey-street site; that it would be more to their advantage, than merely reducing the fees which the judges had power to do by law; that it would be more for their advantage to continue to exact the fees from them, and to apply one moiety of those fees towards building courts and offices on the Carey-street site. Having arrived at the conclusion that the Carey-street site, and no other, was the proper site for the courts and offices, they, as far as they could be considered as representing the suitors, and as competent to give any consent, did consent to an application of those funds on that particular site.

2572. It is admitted that the money came from the suitors originally?—Yes.

2573. In what sense does the Incorporated Law Society represent the suitors?—Certainly they cannot be said to do so in any strict sense, but they represent them, simply because they are the persons who pay these fees for the suitors who are their clients; they transact the business of those clients, and it is their desire to see the burdens lightened to their clients, as much as possible, by a reduction of unnecessary fees. It is only in that general sense that they could be considered to represent the suitors, and not in any strict sense.

2574. Mr. *Layard.*] Are you at present a member of the Incorporated Law Society?—Yes, I am.

2575. Are you a member of the Council?—Yes.

2576. And also a member of the Royal Commission?—Yes.

2577. I understood you to say, that the Incorporated Law Society had identified itself with the Carey-street site?—Yes, most undoubtedly.

2578. I believe that the Incorporated Law Society have added to their building considerably?—Yes.

2579. And they have widened the street rather to the north of it?—Yes.

2580. These alterations have been made with a view of having the courts on the Carey-street site?—Not at all.

2581. But you would not have made them if the courts were not going to be put there?—Yes, most certainly they would.

2582. Would they have widened the street opposite

opposite the Union Bank, but for that?—Yes, I think they would; at all events, they would have laid out the 20,000 *l.*, which they are now laying out wholly independently of the Law Courts. I should wish to explain to the Committee that to the Incorporated Law Society, as a Society, it is a matter of consummate indifference where the courts are placed, whether at the Embankment site, or at the Carey-street site, or at Westminster, or in the City of London. To the individual members of the Society in the interest of their clients, and for the convenient transaction of the business of those clients, it makes all the difference in the world; but to the Society itself it is a matter of the most consummate indifference.

2583. Have you been consulted with regard to the circulars that have been sent out by the Incorporated Law Society on the subject of the site of the New Law Courts?—I cannot say that I have been consulted; I am aware that they were sent out.

2584. May I ask you whether, in your opinion, it is within the province of the Incorporated Law Society to send circulars, not only to all the solicitors practising in England, but also to those in Ireland, calling upon them to use all the personal influence which they may have with Members of Parliament, to induce them to oppose the Government Bill?—I think so.

2585. You think that consistent with their duty?—Yes; I do most undoubtedly.

2586. Do you, as a Member of the Council of the Incorporated Law Society, and as a member of the Commission, adhere to the statements put forward in those circulars?—I do, unhesitatingly.

2587. You still adhere to the statement that the Law Courts on the Embankment site would advance 80 feet beyond Somerset House?—Whether the precise distance is 75 or 80 feet, I am not prepared to say, but as to the statement that there would be a considerable projection, and, as we think, an undesirable one, undoubtedly I stand by that.

2588. I understand you to say that you still adhere to all the statements made in the circular, with regard to the expense of foundation, the expense of land, and the comparative cost of the two sites?—Will you have the kindness to tell me in detail what statements you refer to?

2589. Do you adhere to this statement: "To obtain this extra space in advance of the line of Somerset House, it is necessary to encroach upon, and to a large extent absorb, the open area which, by the 'Thames Embankment Act, 1862,' (sect. 26), is 'for ever hereafter to be maintained for the use of the public as recreation or ornamental ground'"?—Yes; I ought to state that, personally, I was not privy to the preparation of that statement; but I unhesitatingly accept the responsibility of it as a member of the Council.

2590. And you adhere to the statement with regard to the foundations, that the foundations on the Embankment site will cost an enormous sum—I believe they will, and I believe so on the strength of Mr. Street's own statements.

2591. And do you adhere to the printed statement circulated by the Council of the Law Society, which gives an "estimate of the comparative cost"?—Yes, as an estimate intended to show that the Carey-street site and building will cost 1,770,000 *l.*, and the Howard-street site and building will cost 2,266,000 *l.*; substantially, I adhere to that; it is a matter of estimate and conjecture, of course, to a certain extent.

2592. Upon the faith of these statements, I understand that a large number of solicitors, both in London and the country, have been induced to sign petitions to Parliament?—I do not think so; I do not believe that the astute and hard-headed men who signed the London petition, troubled their heads about those statements, or that those statements were sent to them.

2593. Were they not sent to the solicitors in the country?—I believe not.

2594. Were not lithographed letters, with blanks left for signatures and address, embodying to a great extent these statements, sent to the solicitors in England and Ireland, with a request that they should be filled up and sent to Members of Parliament?—I did not know that any were sent to solicitors in Ireland, but if they were, I think it was very properly done; and had I been there, I should have joined with my professional brethren in what they did.

2595. You mean to say you think it right that lithographed letters so printed as to seem to be autographs in running hand should be sent to gentlemen to be signed by those gentlemen, as if they were written upon personal knowledge, containing statements not known by them to be accurate, calling upon Members of Parliament to oppose the Government scheme?—You are assuming as facts what I do not understand to be so. I certainly approve of sending letters to the Societies of solicitors in England and Ireland.

2596. Here is a lithographed letter beginning "Dear Mr. Trevelyan," which was sent to a Member of Parliament (*handing the letter to the Witness*), and signed "Croft Deverill;" is that a right proceeding?—I see no impropriety in that, any more than it is improper for the Government whips to send round to Members of Parliament to whip them up to vote. In principle, the two things appear to me to be the same.

2597. You said that the Carey-street site and the money which, according to you, belongs to the suitors, are now proposed to be sacrificed to the Demon of Dilletanteism?—Yes.

2598. May I ask what you mean by that?—I mean that this is done purely on æsthetic considerations, simply to have a fine building on the Embankment.

2599. Are you acquainted with the firm of Freshfield & Company?—Yes, intimately.

2600. And Messrs. Vallance & Company?—I know who they are.

2601. I presume that those firms are firms of considerable eminence?—Messrs. Freshfield stand at the very head of the profession.

2602. And do you think that they would recommend the Government to adopt the Howard-street site out of æsthetic considerations?—I think there are some members of the firm of Freshfield who would be moved by æsthetic considerations: but no doubt on this, as on most other questions, there is some difference of opinion. There are some eminent members of our profession who do not take the same view as I do, Mr. Henry Freshfield is one. He thinks that the Embankment site is the more convenient, and I differ from him.

2603. It is not merely on the ground of dilletanteism that he thinks so?—No.

2604. And the house of Baxter, Rose, & Norton are in favour of the Embankment site?—Yes; but it must not be forgotten that the house of Baxter, Rose, & Norton are the solicitors of the Metropolitan Railway Company.

2605. Messrs. Bircham, Dalrymple, & Drake also?—Gentlemen of the very highest influence.

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I am quite aware that they take a different view from myself; theirs is one of the firms to whom the Embankment site would be the more convenient site of the two, because their offices being in Parliament-street they would get down on to the Embankment by a two or three minutes' walk.

2606. Then, you will qualify your statement that the opposition to the Carey-street site is on æsthetic grounds?—No; I mean to say that those who promote the other scheme do it on æsthetic grounds, I mean the Government. I believe that it is brought forward mainly on æsthetic grounds, in order to put a fine building on the Embankment, and that the views of the Government have no reference to the convenience of the profession.

2607. I should like to know the distinction you draw between the suitors and the public; is there any particular distinction so that they are characterised by dress or appearance?—No; but there is just the distinction between persons who go to law, and persons who do not go to law.

2608. Are you aware that I am at the present moment a suitor myself?—Then, I believe that if you are, your business will be more conveniently transacted on the Carey-street site than on the Embankment site.

2609. Are not most men, in the course of their lives, suitors in Chancery or otherwise?—No; I should say that, happily, suitors are a minority, and will continue to be so. I think that the question of the situation of the courts, and the arrangement of the courts and offices, is in the main a question for the suitors. If by reason of the dispersion of the courts and offices it takes two days to do that which, if they are concentrated in a convenient site, can be done in one day, I should be glad to know who pays for the one day lost? not the outside public, but the suitor.

2610. But supposing the public to be in favour of the Embankment site, does not that make some difference?—I must venture to ask in return, whom do you mean by the public; those who are not suitors?

2611. I mean those most interested in the business transacted, suitors, witnesses, and jurors.—No doubt besides the actual suitors there is a class of persons, such as jurors and witnesses, so far interested in the courts that they have to attend them; and my belief is that, looking at the question as a whole, both jurors and witnesses would be better accommodated on the Carey-street site than on the Embankment site. I believe that the Carey-street site would be found to be the more convenient site for all parties, whether judges, barristers, solicitors, jurymen, witnesses, or even that portion of the outside public who attend the proceedings in the courts out of curiosity.

2612. Do you not think, that in a very few years the communications between the different parts of London will be entirely changed by the railway system now being carried out?—No.

2613. You do not think that the circular railways, and the railways contemplated across the metropolis, will change the mode of communication?—No, and I can speak from a great deal of personal experience on that subject. My Great Western offices are at Paddington, in close proximity to the Underground Railway. During the Parliamentary Session, I have to come down constantly from Paddington to Abingdon-street. That portion of the Metropolitan Railway which would take me there is by far the most agreeable portion of the whole line, being mostly in open cuttings; but if I want to save time I get into a cab and drive down, for I have to stop no fewer than eight times between Paddington and Westminster Bridge.

2614. The time may come when that will be changed, and you may be able to go more expeditiously?—I do not know how that is possible.

2615. I believe that many years ago a large number of people went on travelling by stage-coach, and believed that railways would not answer?—It would not become me, as a railway official, to depreciate the value of railways. My view as to the relative convenience of the two sites for all the purposes of business is founded mainly on this. Suppose you draw a line from Charing Cross on the west to the Royal Exchange on the east, following the line of the Strand, Fleet-street, Ludgate-hill, and Cheapside, it will be seen that the great bulk of the population lies to the north of that line, not to the south of it, and they would not cross those different streets for the purpose of getting to the Embankment-road. Those who happen to carry on their business very near the Embankment, no doubt, will use it; but not those who live at a distance. I heard Mr. Street, I think, say that when the circular railway is complete, persons coming from the north by the great lines of railway would, beyond all question, make use of that circular railway to get down to the Embankment if the courts were there. The idea is absurd if it is looked at. The three great lines of railway in the north are, the North Western, the Midland, and the Great Northern. Now, the Midland and the Great Northern are close to the King's Cross Station of the Metropolitan Railway. In order to get by that railway to the Embankment, persons would have to stop 16 times in their passage from King's Cross to the courts. To suppose that men of business will be such simpletons as to do that, is an absurdity.

2616. Lord *John Manners.*] We have heard something about a plan that had been prepared, showing the distribution of the legal population of London; are you able to submit that plan to the Committee?—Yes. This (*handing in a small plan*) gives the effect of the larger plan on a very small scale; and this (*producing it*) is the larger plan.

2617. Is the plan entirely complete now of the whole metropolis?—Quite.

2618. And that plan is based upon the actual situation of the residences of the profession in the whole of the metropolis?—Yes.

2619. Will you have the kindness to give to the Committee the general result of that?—The plan follows the division of the Ordnance Survey, and the whole metropolis is divided into districts, and as to each of those districts there is shown in different colours the number of members of the legal profession residing and carrying on business in it. You will see some figures in black, and some in green; these black figures, for instance (*pointing to them*) mean that in that district there are 48 solicitors residing or carrying on business, and these green figures mean that they represent 108 country firms.

2620. Mr. *Layard.*] Who prepared this map?—It was prepared by order of the Commission.

2621. By Mr. Burnet?—By Mr. Burnet; and all the numbers have been supplied from the Law List, the official record, checked by the Street Directory, with the greatest possible care, and I think I can pledge myself that it is as accurate

accurate as it is possible to make a plan. There is a slight difference between the aggregate numbers appearing in the Law List, and the number shown on this plan, and that arises in this way, that the Law List embraces all those within 10 miles of London, whereas this plan does not go quite so far as that; but those residing at that distance are very few.

2622. Lord *John Manners.*] This plan appears to go as far as "Bricklayers' Arms," and Kennington, on the south?—Yes.

2623. And on the west nearly as far as the South Kensington Museum?—Yes.

2624. Taking the five divisions of this plan, are you able to give to the Committee the result as to the probable convenience of the two sites for the majority of barristers and solicitors, as shown in this plan?—Yes, for the purpose of comparison, I think the south side of the river may be altogether excluded. The whole number of members of the legal profession on the south side is only 52, that is to say, 42 practising barristers and solicitors, and 10 country agencies, making 52 in the whole. The whole number being 11,434, that small number of those on the south side of the river may, for all practical purposes, be taken out of the comparison. The yellow district is what may be called the west-end district. In that district there are altogether 696 barristers and solicitors. The red district may be called the central district; it comprises Lincoln's Inn, Lincoln's Inn-fields, Bedford Row, and is the great hive of the legal profession. It contains 2,026 practising barristers and solicitors, representing 4,447 country solicitors, making a total of 6,473. The little patch of blue close to the river represents the Temple. That contains 1,248 barristers and solicitors, and they represent 643 country solicitors.

2625. Mr. *Beresford Hope.*] How do you draw the distinction between a practising solicitor and a country agent?—The country solicitor transacts the general business of his client, purchases of land, sales of land, conveyances, mortgages, marriage settlements, and so on, without the intervention of any London agent at all; but whenever he has an action-at-law, or a suit in Chancery, he is compelled to employ a London agent.

2626. But what I mean is, that the same figure does not appear twice in the two columns by the side of your little map?—No, they are quite distinct. The second column is headed "Number of country solicitors' agencies." That means solicitors in the country represented by the London solicitors, given in the adjoining column. There are 1,248 practising barristers and solicitors in the blue district, that is the Temple. The solicitors represent 643 country houses. The green represents the City and east end. The purple represents the southern part, which is so small as to be quite insignificant

2627. Lord *John Manners.*] Having divided the legal population into these five districts, can you tell us what proportion, in your opinion, would be most benefited by having the New Law Courts on the Carey-street site, and what proportion would be most benefited by having the New Law Courts on the Embankment site?—It is difficult to give an exact answer to that question; but I have prepared, or have had prepared, this little map to explain the matter in reference to the very question that your Lordship is putting. Looking at the totals at the bottom of this little map, your Lordship will see the figure 4,944 as the number of barristers and solicitors in all the coloured districts; that is the total of the first column. Of those, there are barristers in or near Lincoln's Inn, 818; barristers in or near the Temple, 1,044; making a total of 1,862. Solicitors in all the districts, 3,082; total of barristers and solicitors, 4,944. That statement shows how many of the barristers are in the Temple and how many are in Lincoln's Inn. Of the 3,082 solicitors, the petition in favour of Carey-street was signed by 174 solicitors west of Wellington-street, 635 in the central district (that is the district including Lincoln's Inn, and so on), and 472 east of Farringdon-street (that is City solicitors), making a total of 1,281. These 1,281 signatures represent, in fact, 1,661 individuals out of the whole 3,082, because many sign in the name of the firm. The refusals to sign amounted altogether to 278, of whom 61 were west end solicitors, 82 central solicitors, and 135 City solicitors. Then, of the 6,490 country solicitors who are represented by their London agents, the London representatives of above 5,000 have already signed the Carey-street petition. There were 393 signatures to the barristers' petition in favour of the Carey-street site, of which 74 were from the Temple. Then we had the quantity of business on a given day taken, not a favourable day for our view of the case, because it so happened that on that particular day by the arrangements of business, there were an enormous number of summonses before the Master of the Rolls in winding-up cases which come principally from the City, and, therefore, that particular day was not a favourable one for our view of the case. But still the results are given in this paper showing the quantity of business transacted on a given day in the Chancery offices, and in the equity courts, from the western district, the central district, the Temple, and the eastern district. If the Committee will allow me, I will hand in that paper, (*the same was handed in, vide* Appendix). Assuming that the country solicitors are represented by their London agents, and that the London agents speak the voice of the country solicitors, your Lordship will see that the result is that a very large majority of the whole profession are in favour of the Carey-street site.

2628. With respect to the 7½ acres of cleared ground on the Carey-street site, will you tell the Committee what is your view as to the possibility of erecting on those 7½ acres of ground, as commodious and convenient buildings for the purposes of the Law Courts, as could be erected on the 6½ acres of the Embankment site?—I do not think that there could be a shadow of doubt about it. I think it is repugnant to common sense to suppose that if you can erect a given building on 6½ acres, you cannot erect a similar building on 7½ acres, the level being, it is admitted, very much better in the case of the Carey-street site. That is a question on which I should express any opinion of my own with diffidence; but I am supported in my view by Mr. Street. It may be in the recollection of the Chancellor of the Exchequer, and the First Commissioner, that at a recent meeting of the Commission I put these questions to Mr. Street. "You propose to put a certain building to accommodate a given number of courts and offices on the 6 acres proposed to be acquired in Howard-street," and the answer was, "Yes, I do." Then the question was, "Can you put a similar building to accommodate the same

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same identical courts and offices on the 7½ acres in Carey-street," and the answer was "Certainly I can." Then I asked him, "You estimate that the cost of the building in Howard-street will be a certain sum; can you erect a similar building to accommodate the same identical courts and offices for the same sum on the Carey-street site?" "Yes," he said, "I can." Mr. Street stated that before the Commission, in answer to questions put by myself, and the questions and answers were taken down in shorthand and are now on the minutes of the Commission. Mr. Street added that there would be an increased expense on the Howard-street site by reason of the foundations, but that there would be an increased expense on the Carey-street site from the cartage of materials; but that, setting the one against the other, the cost on the two sites would be substantially the same. After hearing that from Mr. Street's lips, I can have no doubt in saying that all the courts that Mr. Street proposes to accommodate in Howard-street can be accommodated on the Carey-street site.

2629. With respect to light and air, will you give the Committee your opinion as to the advantages or disadvantages of the two sites in those two respects?—There can be no doubt, first of all, that as regards both light and air, the river frontage is a great advantage as regards so much of the building as fronts the river, but that is only one out of four sides; and even that advantage is not without a drawback, as anyone who, like myself, has to pass a good deal of his time in a building situated like this near the river, must know. As the poet says, you are "blinded with excess of light" in these rooms having a frontage to the river, owing to the reflected light from the river; still I do not for a moment attempt to say that the river-side frontage is not a desirable one as regards light and ventilation, but, as I have said, it is only one side out of four. Now taking the Howard-street site, I think the other three sides bad, and execrably bad, as regards light and ventilation. First of all, the western side of it would be close to King's College and Somerset House, and, as far as I understand, it will be dominated by those buildings. I do not see therefore any light or air that can be obtained on that side. Now take the north or Strand side; the Strand side will front on Howard-street, with rising ground, rising up to the Strand, covered with houses; I do not see what benefit of light and air the site is to get under those circumstances on the north side. On the east side there is Essex-street. Now it was distinctly stated by Mr. Hunt before the Commission, either at the same meeting to which I have referred already, or at a subsequent meeting, that we had no right to assume that anything more will be done in Essex-street than to purchase and remove the houses on the west side of Essex-street from the river up to the line of Howard-street; that that was all he had estimated for, and all that we had a right to assume or to discuss in dealing with the question of comparative cost. If for other reasons, either of access of light, or of general improvement, Essex-street were widened the whole way up, that was a distinct matter, he said, which he had not taken into account, and which we had no right to take into account. I have a right to assume, therefore, that the proposed buildings would be put down on the site thus limited by Mr. Hunt, by simply removing the houses on the west side of Essex-street, leaving the houses on the east side untouched. If that were so, I cannot conceive anything less advantageous in point of light or air than that would be. Now I am tolerably familiar with four great buildings, all built on the river side, all fronting to the river. I will take first this very building in which we are now assembled, the river front of which I conceive is as fine as could be desired, subject to the difficulty of light which I have mentioned; but nobody can doubt that the other parts of the building are, perhaps, as defective in point of ventilation and light as can be well conceived. Those who have had to suffer, hour after hour, in the galleries outside, in the offices surrounding the room in which the noble Lord the Chairman of Committees sits, and the offices on the other side, where the clerks of the House sit, know what it is. Can anything be worse in point of light and air? It is not enough, therefore, merely to have a river frontage, in order to have ample ventilation and light for a building, there must be more than that. Take another building, Somerset House, with a magnificent frontage to the river, and everything to be desired in point of ventilation and light, as far as the river frontage is concerned; but I have had often to transact business in the Inland Revenue Department, which looks into the quadrangle, and I cannot say that the light or ventilation is good there. Take a third building, the Custom House; in my early days I was often sent down there to register, or to search the registry of, transfers and mortgages of ships. I know that is called the Long Room, which fronts the river, and has capital light and air, but I doubt whether anything can be conceived worse than the three other sides fronting Billingsgate, Thames-street, and Custom House Stairs. Take another building (perhaps the most remarkable case of the whole), with which I am very familiar, Greenwich Hospital; probably the most magnificent river-side building in the world, with everything in its surroundings that you could desire; Greenwich Park on one side, the river on the other, and large open spaces at each end. There are four inner quadrangles there, and more cheerless, comfortless, places I can hardly conceive; one of them so bad in point of air and light, that a great hospital for which I am professionally concerned, the Seamen's Hospital, declined to accept rooms there, for this among other reasons, that the light and air were so bad. I do not think, therefore, that having a frontage to the river side is the only thing needed.

2630. You have given the Committee your view as to the nature and proper destination of the fund out of which it was proposed to erect the New Law Courts; whether that view be right, or wrong, I apprehend that it is the view, which up to this moment has been taken by the two Royal Commissions, and by each successive Government (subject to the modification which you have mentioned as being the result of a communication between the Royal Commission and the Treasury), and that it is the view which, hitherto, has been incorporated in the Acts of Parliament relating to this subject?—That is so.

2631. If, therefore, another view is now set up, it will be in antagonism to that view which has been persistently taken all through these proceedings?—That is so. The Act of Parliament,

ment, under which the Royal Commission was appointed, provided that they should act in concurrence with the Treasury. Not one single step has been taken, excepting with the concurrence of the Treasury for the time being, until the present time. The Act of Parliament of 1865 provided, not only for the concentration of the superior courts of law and equity, and the offices connected therewith, including the Courts of Probate, Divorce, and Admiralty (and it was to those alone that the Report of the Commission of 1860 referred), but it provided, that to these there might be added courts and offices as the Commission might think expedient. They thought it expedient to bring in the Depository of Wills, the Middlesex Registry, the Land Transfer, and others; and they even went so far as to recommend bringing the Court of Appeal, the Privy Council, and the Court of Bankruptcy up there. They might have been right or wrong, but that was their view, and the Treasury of the day concurred in that view; and therefore, up to the present time the Commission, in pursuance of its legal power, has acted strictly in concurrence with the Treasury for the time being. I should mention one very important question, that of access, which very materially affects, of course, the eligibility of the site. To those who would use the Embankment there can be no doubt that the access by the Embankment would be an exceedingly convenient one; but I believe that the number of persons using it really would be very small. We have heard a good deal about road, river, and rail; now, as to the river and the steamboats, I can speak from personal experience, as having been for many years a City lawyer. If I wanted to get to Westminster I often used the steamboat in fine weather, because I could go by the express boat, which landed me at Westminster Bridge; but if I wanted to go to an intermediate place, the last thing that I should think of using would be a steamer which stops at several places, having moreover the tide against you now and then. Again, those only would use the steamer whose offices happened to lie contiguous to the steamboat wharf. Then, as to the rail, for the same reason those who happen to be near a station would make use of the Underground Railway; those at any distance from it would not dream of doing so; they would lose, in getting there, and in the stoppages at intermediate stations, more time than they would save by rapid locomotion on the railway. Then, as to the Embankment-road, no doubt when the new street is made from the Mansion-House to the Embankment, it will be very convenient for a great many persons, and the Embankment may be a great relief to the traffic of Fleet-street and the Strand; but I do not think that, as regards the lawyers, it will make, to the great bulk of them, any perceptible difference; though to some it may. Of course, every man would like to have a railway brought to his own door. You cannot do that, but you must consider how you can accommodate the largest number of persons, and I am persuaded that the number of persons accommodated by the Embankment would be very small indeed as compared with those to whom it would be of no use whatever.

2632. Mr. *W. Cowper.*] You stated, just now, that Mr. Hunt, in his estimate of the cost of the Embankment site, had not taken into his calculation the widening and making use of Essex-street; do you consider that it would be an essential part of the plan, in putting the courts of justice on the Howard-street site, that the whole of Essex-street, from north to south, should be made suitable for traffic?—Nobody who knows what Essex-street is, who has ever been in it, or who would take the trouble to look down it from the Strand, would doubt for a moment that it must all come down.

2633. Whereas, if the courts were placed on the Carey-street site, would it then be necessary for their purposes that any alteration should be made in the streets coming from the Embankment to the Strand, because Norfolk-street, Arundel-street, and Surrey-street, would then be available, as they now are?—No alteration whatever would be necessary; and it is a curious fact that, if the courts are not placed on the Howard-street site, there will be at least four modes of getting from the Embankment to the Strand, or from the Strand to the Embankment, Essex-street, Norfolk-street, Arundel-street, and Surrey-street (I put Milford-lane out of the question, as being tortuous and of no use, and I put Strand-lane out of the question); but if the courts are placed on the Howard-street site, then, in three out of those four streets, there would be a *cul-de-sac*, because the traffic along them to the Embankment would be entirely stopped by the building. The result would be that, between the Charing Cross station or Villiers-street, which adjoins, it on the west, and Bridge-street, Blackfriars, on the east, there would be no mode whatever of getting to or from the Embankment, excepting by Essex-street. Now, if there are to be, as we are told there will be, hundreds of persons coming from the south, and east, and west, using the Embankment, how are they to get out? They must either go all the way to Westminster, or they must throng up Essex-street. All the carriages and cabs, all the railway vans, carts, and waggons, must come up Essex-street. It would be the only mode of access to or from the Embankment between Villiers-street on the west, and Blackfriars on the east. One of the great desiderata in choosing a site for buildings to be occupied for these purposes is quiet. The frontage of all the offices is to be in Essex-street; that is part of Mr. Street's plan. You would have the whole of the noisy traffic, therefore, coming up Essex-street right under the windows of these offices, and no other mode of getting in or out. Then, again, with regard to the foot traffic, can anybody seriously suppose that the foot passengers coming from the west along the Strand, and wishing to get down to the Embankment, would walk quietly along the Strand and down Essex-street? No; in order to cut off the angle, they would make a short cut through the courts and offices, which would thus become the great thoroughfare for foot passengers between the Strand and the Embankment. When the present Commission were framing their instructions to the competing architects, one of the points most insisted on was this, "You must so arrange the courts and offices as that while you give every possible facility of ingress, egress, and inter-communication to those who have business there, you shall put every possible difficulty in the way of those who have no business to transact in them, and above all prevent these courts from being made a thoroughfare." This object would, therefore, be entirely frustrated by the proposed scheme.

2634. Do you consider that the arcade proposed

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posed by Mr. Street, for enabling legal persons to come from Lincoln's Inn-fields to the courts in Essex-street, is an advantageous arrangement?—No. First of all, it is very expensive; and next, the substantial difficulty still remains. The objection made to the Carey-street site is, that the access to it from the north is exceedingly defective. Granted; but supposing that the courts are put on the Howard-street site, that access will remain with all its defects, and the great tide of persons coming down from the north, the solicitors and their clerks, and the public generally, will all have to come down through those streets, and the difficulties will therefore be just the same, plus crossing the Strand. And there is another thing, that is, the access to be got to the main entrance to the courts from the north, the Howard-street entrance; that is to say, down three streets, Surrey-street, Norfolk-street, and Arundel-street. Norfolk-street is an excellent street, wide, and not on an inconvenient level. Arundel-street and Surrey-street are exceedingly small, and miserable streets; two carriages can barely go abreast; and, moreover, there is one grave objection common to all three: viz., that all three of them open into the narrowest part of the Strand, the neck of the bottle. It is assumed that there will be a great coach traffic to the courts. Now, either this will be so, or it will not. If it will, how is that great traffic to get down to Howard-street? It must go down these streets, and turn round at right angles, and come back again the same way, just into and out of the part of the Strand where at present the transit is the most difficult. If it will not be so, then what becomes of all the objections to the Carey-street site on the score of access?

2635. Do you contemplate the opening of the Turnstile and the widening of Serle-street, as equally necessary to either of the plans?—Yes, I do; or rather as desirable, not necessary. It is very desirable, and what I think ought to be done in either case.

2636. Have you any other remark to make upon that part of the question?—I think that on the whole, though I am not insensible to the advantages of the river front, the superior elevation of the Carey-street site will make it much better, both in point of ventilation and in point of light, than the Howard-street site. The Howard-street site is down in a hole. If the scheme were to be carried into effect according to Sir Charles Trevelyan's magnificent plan, by raising the whole building to the level of Somerset House, it would be a different matter; but now it will be in a hole. I think, therefore, that Carey-street, as regards ventilation and light, would be much superior to Howard-street; I think that as regards quiet, it will also be superior to Howard-street, for the reasons that I have mentioned. I think that as regards access it is on the whole better, because all persons going from the north to Howard-street will have to conquer the existing difficulties of the Carey-street site, plus the Strand difficulty.

2637. Though at the present moment it seems determined not to have a larger building than the one proposed, yet if hereafter some new circumstances should arise to render it desirable to enlarge the building, which of the two sites would afford the greatest facilities for such enlargement?—Beyond question, the Carey-street site. Of course the Howard-street site might be enlarged by taking down all the buildings up to the Strand; but I have heard the Chancellor of the Exchequer say that he never would permit that, the cost of it would be so great; whereas the Carey-street site might be extended westward without any great expense or difficulty.

2638. The property in Yeates's-court, and to the west of it, is property which would not fetch a large price in the market?—No.

2639–40. And could you enlarge the Carey-street site to the west, without necessarily interfering with King's College Hospital?—Yes. This might be effected by means of two blocks of buildings, one called Cook's Court, and the other Clement's Inn. It should be stated, with regard to Cook's-court, that is a block consisting of 56 houses, and having a frontage to Carey-street, and a frontage to Serle-street, and I think it would be very desirable, though not necessary, that a portion of Cook's-court should be purchased and thrown into the street; it would improve the access, and get rid of some objections. With the permission of the Committee I should wish to offer some further explanations as to this Cook's Court block in reference to some exceedingly unjustifiable observations that have been made with regard to the Incorporated Law Society, particularly at a recent meeting, when a deputation waited on two Right Honourable Members of this Committee. A statement was then put forth which had not a shadow of foundation. There is only one word in the English language which will properly describe it, but my respect for this Committee prevents me from using it. It was broadly stated at that meeting that there was a clique of persons who had pecuniary interests to serve in promoting this Carey-street measure. This statement is utterly without a shade of foundation; no living soul connected with the Incorporated Law Society has any interest, direct or indirect, in connection with this site; I can only conjecture that somebody or other may have got hold of a mare's nest about this Cook's-court block, and it is for that reason that I am desirous of being allowed to state the facts, which I have taken some pains to ascertain, and for which I can vouch. Some four or five years ago, since the passing of the Act of 1865, and no doubt assuming that the Courts would be built on the Carey-street site, some individuals formed a company, called the Cook's-court Company, to purchase Cook's-court, to pull down the existing houses, and build chambers and offices there. Whether that was a wise scheme or not, is immaterial; its promoters are principally, I find, gentlemen in Liverpool and Manchester, and there is an eminent London banker who takes a considerable interest in it. They have subscribed their money, and out of the 56 houses, they have bought 41; but the remaining 15 they cannot get, owing to difficulties of title, the refusal of owners to sell, and so on, and they made this proposal to the Royal Commission: "If the Government will obtain compulsory power to purchase these 15 houses, we, the Cook's-court Company, will take them off your hands at their actual cost to the Government, cost of every kind, Parliamentary expenses, vendors' charges, law charges, everything; and then we will sell to you just so much as you want for the purpose of improving Carey-street and Serle-street at the average price of the whole 56 houses to us. If, for instance, the whole site shall have cost us 150,000*l.*, and you want a fifteenth of it, we will sell it you for a fifteenth part of the 150,000*l.*?" That proposal was submitted by the

the Commission to Her Majesty's Treasury in the time of the late Government, and they expressed their approval of it; but nothing has been done to carry it into effect. In that scheme, whether it was wise or unwise, good or bad, of course the Incorporated Law Society, as a Corporation, could have no share; but, in addition to that, not any living soul connected with the Society, so far as I am able to ascertain, has the smallest interest in it; and, therefore, the allegation is without any foundation. A deputation, as I have said, lately waited upon the Chancellor of the Exchequer and the Chief Commissioners, and, by a curious coincidence, it so happened that there was a reporter of the "Times" present. Who brought him there, or how he happened to find his way there at that particular time, it is not for me to say; but the next day there appeared in the columns of the "Times" a long report of the proceedings of this meeting. I must not call it a debate, because the speaking was all on one side, but there was a most fierce onslaught on the Incorporated Law Society, charging them that this scheme was got up by persons having a pecuniary interest, and that that was the real secret of it. First of all, my Lord Bury began, and he said this: "He was led to believe that the council of the Law Institution did not by any means represent the general opinion of the legal profession, though they did represent certain parties who had a strong personal interest in upholding the Carey-street site." Then, a gentleman named Robertson, says this: "The Carey-street site was advocated in the interest of a clique, who were privately and personally interested in the question, but the public interests were entirely ignored;" and then the Chancellor of the Exchequer says, "The public cause was seldom so well advocated as that of persons who had private interests to consult, and who would move heaven and earth to save themselves from inconvenience." It is stated in distinct terms that the real secret of this fight for the Carey-street site was the personal and pecuniary interest of certain persons, obviously meaning the council of, or individuals, connected with the Incorparated Law Society. Of course I am not responsible for what the reporter of the "Times" says, but there it was, in the "Times" of Monday, the 21st of June.

2641. Can you state that the persons who have taken a leading part in this question, and who belong to the Law Institution, have no pecuniary interest in the matter beyond what may arise from the propinquity of the courts of justice to their chambers?—That is all; and that interest is not as members of the Law Society, but as individual practising solicitors. As members of the Law Society they have no interest whatever in it. I will assume that the effect of building the courts upon the Carey-street site will be to double the value of the Law Society's property (not that I believe so, but I will assume it), it would not make any difference to any living soul past, present, or future. It may be, and probably is, supposed by some persons that the Law Society are a joint stock company, but this is not so; the society was originally formed on that principle, and received a Charter from the Crown as a joint stock association, but finding this to be inconsistent with their public objects they surrendered their charter, the members relinquishing their shares; and they obtained a new charter incorporating them, for exclusively public and professional purposes. Any improvement in the value of their property by the selection of the Carey-street site would have just the same effect upon their interests that the improvement of the Crown lands in Downing-street, by the removal of the slums round Charles-street and King-street, would have upon the personal interests of the members of the existing Government, or any other Government; or just as if the tide of fashion were to set from Mayfair and Belgravia in the direction of Gower-street, the consequent rise of value of property in that neighbourhood would affect the members of University College.

2642. With reference to Cook's-court; do you mean to inform the Committee that the purchase received the sanction of the Treasury?—I do not think that it received it in any formal shape, but the minutes of the Commission record what passed on the subject. The Commission communicated to the Treasury, as was their duty, the proposals made to them, and the Treasury intimated that they thought the proposal a very fair and reasonable one, and but for what has since happened, I think that proposal would have been carried into effect.

2643. Was that the period when Mr. Childers was a member of the Commission?—Yes, it was.

2644. And he was not at that time in office?—He was not. Then as to Clement's Inn, the Society of Clement's Inn possessed property immediately adjoining the west end of the Carey-street site, and they made a similar offer. Their position is a very peculiar one. If they chose, I believe they might do what the owners of another Inn of Court, called Lyon's Inn, did. They were reduced to only two, and sold the property, and pocketed the proceeds; and I believe that the existing members of Clement's Inn might, if they liked, sell the property upon the best terms, and pocket the money. But they have said, "If we can give you any assistance in widening the approaches, and so on, we will most readily do so. We will take down some of the old houses and rebuild them, and let you have such land as you want at almost any price you like.

2645. They have a much larger space at present not covered with buildings?—Yes, gardens and squares.

2646. And what is the character still more to the west of Clement's Inn?—Very indifferent indeed; it is property which it would not cost much to acquire; but although I think that the acquisition of some of the property to which I have referred would be desirable, I by no means think it essential.

2647. Are you of opinion that if the reduction which is now proposed is carried out, that can be done at present on the Carey-street site without the necessity of making any further purchase?—Yes, I am.

2648. Mr. *Goldney.*] You have offices at the present time, I think, at Paddington, at Westminster, and in the City?—Yes.

2649. And the larger proportion of the business of your firm, that is to say, the business that is not special, is carried on in the City?—Yes, the general business is carried on in the City.

2650. Having offices, therefore, at those three points, you are able to judge better than most persons, what would be the best site for the Courts?—Yes, I think I have had peculiar opportunities for forming a judgment on such a question.

2651. Assuming this map which you have

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shown us to be correct, the facility of communicating with the larger number of solicitors in the red block, to those having to do with the Courts, is another advantage in the Carey-street site?—Yes.

2652. That is to say, that a person having to attend the court will be able to transact other legal business with people in the same area?—Yes.

2653. That applies almost exclusively to the Carey-street site?—Yes.

2654. That is to say, supposing that the courts were on the Howard-street site, the facilities of entering into business relations with that large number of solicitors north of the Strand, would be materially diminished?—Yes.

2655. You have a very extensive library at the Law Institution, have you not?—Yes.

2656. And that library is open to the solicitors?—Yes, and to their clerks and students.

2657. And it is constantly used in that way, is it not?—Yes.

2658. Are you of opinion that if the courts were in Carey-street, that library would be constantly used as a library of reference for people practising there?—Yes, I think it would.

2659. Both for barristers and solicitors?—If we choose to extend the privilege to the bar, then they can make use of it also.

2660. But at the present moment the solicitors have no right to go to the barristers' library in court?—No.

2661. And if they want books they have to carry them with them?—Yes; but it was proposed, as part of the scheme for the courts, to have law libraries both for the bar, and for solicitors.

2662. As it stands at present, this library of the Law Institution would be open to all parties, whether from London or from the country?—All members of the society can attend themselves, and can give authority for their clerks to attend, and they do make very great use of it.

2663. You have lived in different districts, I think, during the course of your long professional career?—For thirty years I occupied the same offices in a street which has now disappeared; it will form part of the new street from the Mansion House to the Embankment; then I went from there to Frederick-place, where my firm now carry on their business.

2664. And you have a large practice in common law as well as in chancery?—Very large.

2665. I understand you to say that the authorities of Clement's Inn and New Inn are in accord with the plan for the Carey-street site?—Yes.

2666. And that they would render every facility for carrying out that plan?—Yes, and there have been communications from them laid before the Commission from time to time upon the subject.

2667. And the authorities of Lincoln's Inn are also in accord with that plan?—Yes. The authorities of Lincoln's Inn were always desirous, if they could, of carrying into effect the Lincoln's Inn scheme, that is, having the Courts of Equity only within the circuit of their own domain; but if that is not to be, they are generally in favour of the Carey-street scheme.

2668. With regard to the question of witnesses, I think before witnesses go to the court it is a general rule for them to go to the solicitor's office?—Yes, the witnesses come to the solicitor's office, and accompany the solicitor or his clerk to the court.

2669. Instead of going direct from the railway, as a rule, they would go from the railway to the solicitor's office in the first instance, and be taken by him or by his clerk to the court?—Yes, that is the common course of business.

2670. So that, both as regards professional men and as regards witnesses, the proximity of the solicitors' offices to the courts would be an advantage?—Yes.

2671. And you think that that advantage would be materially impeded by having to cross the Strand?—Yes; I think that whatever is convenient to the solicitors, I do not mean what is personally convenient, but whatever facilitates the transaction of their business, would apply to witnesses also, whose convenience must always be in accordance with that of the solicitors. I should remark, in regard to the City, that the Committee are no doubt aware of the very admirable line of communication which in two or three months will be open from the City by the viaduct. Newgate-street, which was very narrow, is now made a very wide and excellent street; and then there will be one of the finest streets in London, as regards dimensions, over the viaduct and along Holborn, and that would be one excellent access to the Carey-street site.

2672. And your opinion is that the majority of business people would come to the courts by road and not by rail?—Yes. I am quite sure that if I were now what I was till I went to Paddington, namely, a City solicitor, and wanted to get to the courts, I should not go by the Embankment; I should walk, or get into a cab, and go either by Holborn or by Fleet-street.

2673. Mr. *Beresford Hope.*] I think we may gather from your evidence that the Embankment site never came before your first Commission?—No, the Embankment did not exist then; but it did come before the Houses of Parliament when the Act of 1865 was applied for, and there was a considerable fight in both Houses in favour of the site on the Embankment, and the Bill was referred to Select Committees, and the Embankment site was then presented to those Select Committees.

2674. The Embankment, in some shape or other, has been a theory for a great many years; but it had not shaped itself so as to have come before your first Commission, even hypothetically?—Not in 1859-60.

2675. Speaking in your personal character as a gentleman very conversant with this question, do you believe that supposing the Embankment site had come before your Commission, you would still have adhered to the Carey-street site?—I cannot presume to speak for others, but, speaking for myself, I do not hesitate to say that if the question were now *res integra*, and I was a member of a Commission to choose between the Carey-street and the Embankment site, the same reasons which led me to consider the Carey-street site preferable then would bring me to the same conclusion now.

2676. I believe that the object that you and the other gentlemen who promoted the whole movement some 10 years ago had was the concentration of justice?—Yes.

2677. Do you consider that the concentration of justice merely implies bringing the courts and offices, as far as possible, under one roof, or that it implies bringing them, as far as possible, under one roof, and then placing that roof in as central a position as you can find?—The two are included certainly; the great object is to bring them altogether into juxtaposition, courts with

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courts, and offices with offices; but then the place in which that is to be done is a very material element of the question as affecting the object which you want to accomplish.

2678. And you consider that that object is better carried out by the higher site in Carey-street than by the lower one in Howard-street?—Yes, I do, certainly; and the main reason is this, that the Carey-street site is near to the great hive of legal business; the vast proportion of the business transacted in the courts and offices comes from places in immediate juxtaposition with the Carey-street site and not from places to which the Howard-street site would be readily or conveniently accessible.

2679. Do you consider that the difficulties which have been raised by the present Government as to the expense of purchasing in the neighbourhood of the Carey-street site would be an objection, or would you adhere to the Carey-street site, even if you thought it highly probable that land would be bought for a future enlargement of Howard-street?—I think that, even looking to the question of cost alone, the Carey-street site is better. I am assuming now that the reduced buildings are to be erected, that the original scheme of the Commission is cut down, certain offices lopped off, and the reduced scale of building adopted; and I consider, as a question of cost, the Carey-street site the better of the two.

2680. Would you be prepared to say that you would prefer the Carey-street site, with very little chance of enlargement hereafter, to the Howard-street site, with a considerable chance of enlargement hereafter?—I think that on all grounds, and in all respects, the Carey-street site is the preferable site; and the Carey-street site, already purchased, paid for, and cleared, is amply sufficient to accommodate all the courts and offices which it is necessary to concentrate. I think it would be desirable to bring the Depository of Wills, and the offices for the Grant of Probates and Administrations, into the building, if possible; and considering that, if that were done, not one farthing of the expense would be provided by the tax-payer, but all by means of additional fees, to be levied from the suitors, I do not think that the question of expense ought to weigh.

2681. I suppose you are well acquainted with the Temple and all its courts?—Yes.

2682. A witness has stated before us, that supposing, according to Mr. Street's plan, the courts are put in the western portion of the Howard-street site, they would really be more distant from many parts of the Temple than the courts in Carey-street; do you, or do you not, agree with that statement?—I quite agree with that, and I believe that a gentleman, a solicitor of great eminence in the Temple, is in attendance now, and will be examined here, who has a large business of his own, and represents upwards of 100 country offices; and he is here to say, that in his judgment, speaking as a solicitor in the Temple, the Carey-street site is the better site of the two.

2683. You are not of opinion then, that the Templars, as a whole, have thrown in their lot with the Howard-street site?—Not as a whole. Many of the Templars, and the Benchers, think that it will improve the value of the property belonging to the Inn, and they think it their duty to look after that; I think that has been admitted.

2684. Has it been admitted that it will improve the value of Lincoln's Inn to put the courts on the Carey-street site?—No; on the contrary, I think I heard Sir Roundell Palmer state that it would not. I am ready to admit that a large number of barristers in the Temple prefer the Howard-street site to the Carey-street site, but I believe that three-fourths of the whole profession are in favour of the Carey-street site.

2685. I suppose that the mass of solicitors who live in Gray's Inn are in favour of the Carey-street site?—Yes.

2686. Has the Bench of Gray's Inn at all indicated a preference?—I do not think it has.

2687. I suppose that the Bench of Gray's Inn has very little to do with the building there?—The Bar have left Gray's Inn.

2688. And the Benchers of Gray's Inn have their chambers in the Temple or Lincoln's Inn, have they not?—Yes. I should ask permission to put in, as bearing upon this question of the opinion of the profession, a copy, signed by the late President of the Incorporated Law Society, of a resolution passed at their annual meeting, held a few days ago, "That this meeting hereby expresses its entire and cordial approval of the steps which have been taken by the Council in opposition to the removal (as threatened by the Bill lately brought into Parliament), for the site of the new Law Courts and offices, from Carey-street to the Thames Embankment, or elsewhere, and this meeting earnestly deprecates such removal as injurious to the interests equally of the suitors, the public, and the members of the legal profession." This was moved by a gentleman of the name of Burgoyne, a very eminent solicitor in Oxford-street, at the corner of Stratford-place. It was seconded by Mr. Milne, who is here now, and carries on his business in the Temple, representing upwards of 100 solicitors.

2689. Mr. *Chancellor of the Exchequer.*] What Report do you think that this Committee ought to make, supposing that we follow your evidence. In the first place we should, of course, report in favour of the Carey-street site?—Yes.

2690. And what more should we report; that we ought to take the site as it is, or that we ought to purchase some further land?—If you ask my individual opinion, I think it would be a wise economy to purchase additional land, to bring in some of those courts and offices which are now to be excluded, and to improve the accesses. I think it would be a wise economy to do so, but that is merely my individual opinion.

2691. But your opinion is that we can do without it?—Yes, certainly.

2692. I understand distinctly that you agree with Mr. Hardwicke in saying that there is no real practical objection to building the courts on the site, as it is at present, without any further land?—No difficulty whatever.

2693. You have been so kind as to say that the Government was actuated in this matter by a spirit of dilettanteism; will you be kind enough to give me the grounds of that statement with regard to myself, and tell me why I am actuated by dilettanteism?—That is a delicate task, which I should rather shrink from.

2694. But you did not shrink from saying it?—I undoubtedly alluded a little more particularly to another Right Honourable gentleman.

2695. I am asking with reference to myself, who really had quite as much to do in the matter as my Right Honourable friend; perhaps you will reconsider that statement?—As regards the Chancellor of the Exchequer, I may; but I am

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confirmed in the opinion I have expressed by a statement made by Mr. Street, who says distinctly that the object of choosing the Embankment site is merely to improve the architecture of the metropolis. There was a committee appointed some little time ago of the Society of Arts to consider and discuss this subject; there was a three or four days' debate, and the proceedings were taken down in short-hand, and Mr. Street corrected the proofs of that part of the report which purported to give what he said himself, and upon that particular point I find that Mr. Street says: "The object of putting the building on the Embankment, being chiefly an architectural one, it is clearly absurd to think of building on so economical a system as to ignore architectural effect." That is Mr. Street's testimony, he being in close communication with the Chief Commissioner, and being in fact now the servant of the Chief Commissioner.

2696. What is the date of that which you have just read?—March 1869.

2697. Mr. *Layard.*] When you say that Mr. Street is the servant of the Chief Commissioner, what do you mean; he is not under my orders, is he?—We found to our surprise some little time ago, that by order of the Chief Commissioner, Mr. Street had stopped his work (indeed Mr. Street so stated to the Commission), and therefore I presume that he is the servant of the Chief Commissioner.

2698. When did Mr. Street state that?—About the month of January or February, I should say.

2699. Are you aware that the country solicitors have often several addresses, some of them no less than 11, and that each of these appears as a separate solicitor in that list which you have made out?—No, I am not aware of it, nor do I believe it.

2700. Take Mr. Stephenson, who has got residences at Chatham, Brompton, New Brompton, Frindsbury, Gillingham, Rainham, Rochester, Sittingbourne, Strood, Sheerness, Shoeburyness, and Southend?—He would appear as one.

2701. You state that?—Yes; most undoubtedly.

2702. Lord *John Manners.*] With regard to the question which has been put to you as to Mr. Street being under the direction of the First Commissioner of Works, will you have the goodness to read to the Committee what is on the outside of that document (*handing a document to the Witness*)?—"Block Plans prepared by George Edmund Street, Architect for the New Courts, by direction of the Right Honourable the First Commissioner of Works;" and he says in the body of the report, "I proceed now to give a similar explanation of the plan which I have prepared, to show how the already purchased land between Carey-street and the Strand may be used for the New Courts of Justice without the purchase of any additional land whatever. In the instructions which I received from you to prepare this reduced sketch plan, you requested me to bear in mind" so-and-so. It is on those data that I have assumed that Mr. Street is acting under the directions of the Chief Commissioner. I should wish to say one word about a certain plan of the Incorporated Law Society, to which a great many allusions have been made, and about which a great many hard words have been used, the little plan with black marks on it. I should state that the object of this plan (*producing it*) was to show, not the building capabilities of the two sites nor their exact shape and dimensions, but their position relatively to each other and to the great haunts of legal business; that, and that alone, was its object.

2703. *Chairman.*] I take it that you put it in this way: that though the plan was not strictly accurate, it was accurate enough for the purpose for which it was intended, and that, in the minute criticism that has been made upon it, it has been assumed to be intended for a purpose for which it was not intended?—Yes, certainly, that is my meaning. I may add this remark, that the preparation of the large new plan, and this very minute reduction of it, has shown this: that we very much understated the facts, and that the preponderance of buildings occupied for purposes of the law on the north side of the Strand, and in proximity to the Carey-street site, is much greater in fact than is shown by this plan.

2704. Mr. *Chancellor of the Exchequer.*] If you look at that plan you will see "six acres," in large letters, on the yellow block of land in Carey-street, it being in reality about four and a half; how do you account for that?—Supposing it to be incorrect, it is wholly immaterial in my view.

2705. Why was it put there?—If there is an inaccuracy there, it only resembles the case of a witness who has told all the substantial facts of a case with perfect accuracy, but has blundered about the colour of the gloves which some person wore, whether they were blue or green.

2706. Mr. *Layard.*] Why is it called a "copy"?—In literal strictness it could not be a copy, because at the time the original was made there was no such state of things as that plan shows, but in the substantial parts, and in reference to all those matters for which it was used, and which it professed to explain, it is a copy.

2707. Lord *John Manners.*] Whatever inaccuracies may be detected in the black-coloured blocks on the original smaller plan, those have turned out to be against your view of the case, and not in favour of it, as I understand you?—Certainly, that is so. I wish to be allowed to add one word upon the question of expense. In the estimate of the comparative cost of two sites one consideration has been entirely left out of the question, as far as I can understand; I have never heard it alluded to. Supposing the Howard-street site to be adopted, and then the Carey-street site already purchased to be sold or leased for building purposes, I heard Mr. Hunt say the other day that in about 10 years he had no doubt there would be an income accruing from ground-rents which would give 3½ per cent. upon the cost. Now, this has been entirely left out of sight, that there is 885,000 *l.* which has been expended and is producing no interest.

2708. Mr. *Chancellor of the Exchequer.*] Not expended on the site?—£. 750,000 or 760,000 *l.* on the site, and the difference is in costs of various kinds.

2709. That is the actual cost, not the cost of the site?—The whole cost up to the present time, the purchase of the site, the expenses of the Commission, the payments to the competing architects, and so forth. Now, spreading that over the whole 10 years, he says that for a year or two years you must grant leases at peppercorn rents, and then at rents gradually increasing, so that at the end of 10 years you would have an income producing 3½ per

3½ per cent. The fair way, as it seems to me, is this: to assume that for five years there will be nothing, and for five years 3½ per cent. Now, the interest alone on 885,000 *l.* is, at 3½ per cent., 30,000 *l.* a year, and the taxes requiring to be paid amount to 5,000 *l.* a year; that makes 35,000 *l.* a year for five years.

2710. Did not Mr. Hunt speak of 780,000 *l.*?—Then, if so, that only affects the difference between that and the other amount.

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Mr. Nathaniel Charles Milne, called in, and Examined.

2711. Mr. *Goldney.*] You are residing in the Temple?—Yes; I am a Member of the Society of the Inner Temple.

2712. How long have your firm carried on business there?—I have practised there for 40 years.

2713. And you have a large agency business besides you own proper business?—We take out 110 certificates; a great many of them are for young men.

2714. Have you considered the question of the two sites?—Only lately. The new building will not be put up in my time, and therefore, personally, it is a matter of indifference to me.

2715. What part of the Temple are your chambers in?—Harcourt-buildings.

2716. Is your opinion favourable to the concentration of the courts taking place on the Carey-street site?—Certainly, and it has always been so since the question has been mooted.

2717. Since the question of the Howard-street site has been mooted against it?—Yes.

2718. And do you agree that the larger amount of business, irrespective of your own, lies in that district which has been spoken of as the legal hive on the north of the Strand?—Entirely. To illustrate that, I may mention that there is only one firm in the Temple who come in contact with us at all; almost all of them are north of Fleet-street, in Lincoln's-inn Fields, and Bedford-row, and Chancery-lane.

2719. As regards the offices, they are almost exclusively resorted to by the profession; the general public have little to do in the offices?—That is so.

2720. They never go near them?—No, except when receiving the money in the Accountant General's office, and in the Court of Chancery.

2721. Practically, the law offices are used by the profession only?—Yes.

2722. As regards the use of the courts by solicitors and their clerks, the solicitors and their clerks form by far the most preponderating number using the courts, do they not?—Yes, particularly so as regards the equity courts.

2723. And as regards the common law courts, the witnesses would take the line of the offices, would they not?—Yes; my invariable practice is to desire the witnesses to come to my office, then I take them up to the court, and I know where they are.

2724. In going from the office to the court, what would be a facility to the attorney and his clerk would also be a facility to the witnesses?—Certainly; I do not look at solicitors and attorneys particularly, because they are paid for their work, and must go where they are bid.

2725. Still if they go to a spot near their own offices they save time?—No doubt.

2726. And that saving of time is a saving of expense to the client?—Yes.

2727. The client's object is the ultimate result of the suit?—No doubt.

2728. Although a number of solicitors may be shown to be living right and left of the Lincoln's Inn district, the amount of business that the solicitors in that district transact is very much larger than that transacted in any other district?—Very much more.

Mr. *N. C. Milne.*

2729. Some offices there have 30 or 40 clerks?—Yes.

2730. The actual number of solicitors therefore would not give the amount of business, practically, that is transacted in that district, although a great number of them live there?—They must represent the business.

2731. I mean that one firm living in the Lincoln's Inn district might probably be carrying on as much business in the courts as 20 firms in the City?—Not so much as that; but a much larger proportion of the business that brings solicitors to court than many firms in the City.

2732. Would the difficulties of getting from the Temple to Carey-street be obviated by an underground passage somewhere near Child's-place?—I think so, very much; there must be either a bridge or some other communication for crossing Fleet-street.

2733. Have you heard that Mr. Ayrton made a suggestion with regard to Child's-place?—I have heard that somebody made a suggestion that there might be an underground passage made there.

2734. Supposing Child's-place was bought, that little block removed, and the house at the end of Brick-court, which blocks up the way there, there would be ample room for carriages to pass?—Yes, if you made the opening larger.

2735. And supposing that they started on the level from Brick-court, it would take them under the Strand almost on the level the whole way?—From Fleet-street to the Temple is down hill.

2736. Supposing you take a level line from Brick-court, it would carry you sufficiently low to carry you under Fleet-street?—Perhaps it might, but that would be more a question for a surveyor.

2737. But looking at that plan, the exit from Child's-place would be directly at the end of the Carey-street site?—One end of it.

2738. Supposing it to be done, barristers would then be able to walk robed from the Temple to Carey street?—Yes; some do so now.

2739. Do you think that that would meet any difficulties that now exist with regard to residence in the Temple?—I think it would, so far as the Bar is concerned.

2740. As regards solicitors, all those living to the east of your building would be practically nearer the Carey-street site than the other site?—Yes, I think so.

2741. You say, speaking generally, that the Carey-street site, to parties in your profession, would be much the most convenient?—I think it would; so far as I am personally concerned, it would. My business lies with men entirely north of Fleet-street, with one exception in the Temple.

Mr. Richard Kinder, called in; and Examined.

Mr. *R. Kinder.*

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2742. Mr. *Goldney.*] You are a member of the firm of Woodfall & Kinder?—Yes.

2743. What are you?—Printers.

2744. Where are your business premises?—At the bottom of Milford-lane, on the Embankment.

2745. How long have you lived there?—Five years.

2746. Do you find any inconvenience from the water, since the Embankment has been finished, in spring tides?—At almost every spring tide the water comes into our foundations.

2747. And the cellars?—The basement.

2748. Notwithstanding the Embankment being completed?—Notwithstanding the assurance of the officers of the Metropolitan Board of Works that it should be kept out.

2749. When was the last time that the water came in?—About a month or six weeks ago.

2750. And do you think that that exists with other houses as well as yours?—I do not know at all.

2751. Mr. *Layard.*] Is yours a modern house, or an ancient one?—Partly very old and partly new.

2752. Are the foundations new?—The water comes in to both parts, the old part and the new.

2753. What depth are the foundations?—I cannot tell you. It comes into the basement of the old houses and into the pits made for machinery of the new parts.

2754. Lord *John Manners.*] Who built those new premises for you?—Dove, of Islington.

2755. Sir *William Tite.*] And can you state the name of the architect?—Mr. Field.

The Right Hon. Lord Romilly, (attending by permission of the House of Lords), Examined.

Right Hon. *Lord Romilly.*

2756. *Chairman.*] We presume that your attention has, for a considerable time past, been called to this question of the best site for the New Law Courts?—Yes.

2757. And you have probably formed a decided opinion upon it?—Yes.

2758. Before asking you to give your reasons, will you kindly inform us which, in your judgment, of the two sites, which are now, practically, alone before the Committee, the Carey-street site, or that upon the Embankment, seems to you the most convenient?—That which seems to me the most convenient is the Carey-street site; but perhaps the Committee will allow me to say a few words in the first place, on the question whether you want any site at all.

2759. Certainly that is a material point of the inquiry; will you state your views on that?—In my opinion it is a completely unnecessary and wasteful expenditure of money to build any courts at all; in the first place, I do not think that new courts are wanted; in the next place, you do not know what courts will be required. At this moment you have got a report from the Judicature Commission in which they propose complete alteration in the system of judicature and appeal, and it will be a singular inconvenience if, after you have built all your courts, you find that you have got some courts which are not wanted, and others which are not suited for the purpose required. Any change of court for me would be a very considerable inconvenience; I am however bound to say that, in this particular case, I do not think that I personally am much interested, because I think it very certain that I shall cease to be Master of the Rolls before any new courts are built anywhere; but I want to explain how far it would be an inconvenience to me; as Master of the Rolls I have a great deal to do with the records, the business of which has increased of late years, partly from what I have done myself, and from various other causes; and the result is, that there are continually little directions to be given. My court is at present in the Rolls House, the consequence of which is, that by coming down in the morning a quarter of an hour before the court sits, and going out for luncheon for a quarter of an hour at half-past one, or somewhere about that time, and staying half an hour after the court is up, I am able to dispose of a large amount of business, from having all the officers of the establishment just round me; they are sitting upstairs, all in the same building, and they come to me, if required, in a moment. If there is a letter to be settled, or to be written, I can do it with the greatest possible facility. I do not say that the amount of business is very considerable; but if I had to go to the Rolls House to do it, and thus add the journey to the work to be done, it would add much to my labour.

2760. Will you explain what kind of business this is; do you mean applications to you in connection with the records?—They are applications of this description: for instance, the records of a character that lie within my jurisdiction at some place distant from London may be in great confusion; persons write to me to complain that they cannot find the records that they require; then I have to send down Sir Thomas Hardy, who is the Deputy Keeper, to inspect them; he comes back and makes a report to me; I thereupon apply to the Home Office, and say that I propose to exercise the functions which I possess, under the Statute, of removing all those records to London (I am now merely following one particular case in order to explain it), and ask that they will allow me money for that purpose, and I act accordingly. All the little stages of that proceeding, from time to time require letters to be written, matters to be approved of, and things to be done, which, though they do not take a great deal of time, yet take each of them by itself a little time. Then application from persons relating to certain documents under my control, I am in constant communication with the deputy keeper on these subjects. The number of cases that I could state is innumerable. They are very small, but they all require attention, and they all must be done by the Master of the Rolls; and it is a great convenience to be able to have the thing done in your own house.

2761. Your objection, as I understand it, to being

being separated from the place where the records are kept arises out of that double duty imposed upon you, the judicial duty and the custody of these documents?—Solely. I do not think that it would apply to any Vice Chancellor; it applies solely to me, that I have a double function to perform, and it would be a great inconvenience to me to be removed; but I think that the Committee ought a little to consider this in choosing a site, that it ought to be in accordance with the wishes of the judicial part of the legal profession. For myself, I do not at present know any power you would have, or any power that Parliament could really exercise, of compelling the equity judges, for instance, to leave their present courts. I have often thought how it could be done by Act of Parliament. Supposing an Act of Parliament said, "The Master of the Rolls shall not make any order except in the Rolls House, or except in such a place"; that would paralyse the functions of the court. I make orders everywhere. Persons come to me at my own private residence. I make orders in the country; in fact, when I am performing judicial functions as a judge in Chancery, the Court of Chancery is for that particular purpose where I am; and it has happened to me when I have been sitting in the Judicial Committee of the Privy Council on a very pressing matter, where an injunction was wanted to prevent the destruction of property at the instant, to go into a room adjoining the Council Chamber, hear an application, and grant an injunction. Therefore it would be impossible to say that the judges should all perform all their duties at one place; and if you did not do it, it would be very difficult, I think, to enforce their attendance at any particular place. My own firm conviction is, that no new courts at all are wanted; that you ought to wait until you have ascertained what changes in the judicature are required before you have any courts at all built. I confess that my great regret was, that having a large fund by which you might have prevented what I think the worst of all taxes, namely, a tax upon law proceedings, (and which during a great number of years you had diminished, to a great extent,) you have been obliged to give up that system, and have been obliged now to increase the tax upon law proceedings, and increase the fees for the purpose of enabling courts to be built, injuring suitors, I believe, to a considerable extent, instead of doing them any good whatever. Of course I am not going into that question. Your Lordship, and probably every member of the Committee, is familiar with a little tract by Mr. Jeremy Bentham, probably one of the ablest things he ever wrote, called "A Protest against Law Taxes," in which he points out their evil very strikingly, and in a very few pages. During the time that the compensations have been falling in, since the great change in the Court of Chancery in 1850, I think, the Chancellors have been gradually reducing the fees in every respect, as the Suitors' Fund allowed it, and have reduced the fees to less than one-half. Now all that is stopped. Had it not been for this fancy for new courts when all the compensations had fallen in, the court fees would have disappeared in the Court of Chancery, and suitors would only have had to pay their solicitors for their regular business. That is why it is that I have looked with a great deal of regret at the application of any money at all to new law courts, and which, I believe, when you have built them, you will find has been thrown away. But, if you are to do it, my own opinion is, that the Carey-street site is by far the best for the purpose of the convenience of the profession. For the suitors it is a matter of perfect indifference; they come up to London, or they are residing in London, and whether they go to one place or to another is a matter of trifling importance to them. But, for their own convenience, as regards judges, barristers, and solicitors, I am quite sure that, in respect to the facilities of access so far as relates to the Chancery proceedings, of which I know most, the Carey-street site is by far the most convenient and the best.

2762. With regard to your observation, that it is not necessary that new courts should be built at all, has it not been a matter of complaint among judges for many years past, that the courts were very crowded and very inconvenient?—Yes, that is undoubtedly so, and will be so when these courts are built; and you will never get rid of that evil with the very best courts. It is incidental to persons who sit in courts of justice, and to the public. Upon various occasions they are very crowded, and I do not mean to say that you might not make more convenient courts than those at present subsisting, but I believe that you would make them at a greater sacrifice than is required.

2763. As a matter of fact, probably it is within your knowledge that many of the large provincial towns have thought it necessary within the last few years, in consequence of the increase of business, to erect law courts often at great expense?—Yes, I have known that done and with great advantage, and undoubtedly at assizes you require larger and more convenient courts than the greater part of the business in London requires; wherever you have juries and a great access of persons, you require more room and more facilities for hearing than you do in ordinary cases in Banco, and very much more than you do in cases in Chancery.

2764. I gather that you do not attach much importance to what many people regard as important, namely, the concentration of the courts in one place?—No; my belief is that the persons who would be benefited by that would be solicitors, and that nobody else would be benefited by it; jurors would not, and I do not think that judges would be benefited by it at all, but I have no doubt that to solicitors in large business it would save the expense of a clerk or two annually, and be of considerable benefit to many of them.

2765. You spoke of the Report of the Judicature Commission, and of the contemplated alterations of legal business, but are not those alterations likely to be in the direction of concentrating more business in London than the reverse?—I think they are, but I think also in the direction of diminishing the number of courts that you will require.

2766. Then, as I understand it, briefly, your opinion is this: you would rather leave matters as they are, but if the country or Parliament have decided on building, you would rather build in Carey-street than on the Embankment?—Yes, that is exactly my opinion; and I think that we are too hasty about it, that we had better wait and see what we shall require; and that the law is in a state of transition at this moment, and that a great alteration will be made in the law, which

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will require a corresponding alteration in the courts.

2767. Mr. *Layard.*] I think I understood you to say that the Carey-street site would be the most convenient to the Chancery bar?—Yes.

2768. Would you express so strong an opinion with regard to the Common Law bar?—I am not so good a judge as to them, but I should have thought that it would have been as convenient to the Common Law bar if (as I understood was intended to be done) you gave them access to it by going over Fleet-street instead of crossing it. No doubt it would be a very serious inconvenience to have to cross Fleet-street or the Strand; but if there were a means of access over the Strand, which I thought some of the plans proposed, I should have thought there would not have been a difference of many yards from the Temples between the two sites to the Common Law bar.

2769. You are aware that the Chief Baron, and some of the Common Law judges, have expressed a strong opinion in favour of the Embankment site?—No, I was not; but of course I should defer to their opinion as knowing more about it than I do.

2770. With regard to the large mass of persons, jurors, witnesses, and suitors, who take an interest in cases generally tried in the common law courts, do you not think that the Embankment, with access by rail and river as well as by road, would be much more convenient to them?—I should have thought that the access would not have been more convenient, or so convenient, as the other. The access from the north, where the greater number of solicitors of all sorts I believe dwell, would have been, I should have thought, easier to Carey-street; and if there is to be a passage over Fleet-street or the Strand, persons could come that way from the Thames Embankment Railway.

2771. I am not speaking of solicitors, but of the public?—Speaking of the public generally, much more of the public would come from the north of London, I take it, than from the east or west; or at least if they did not come from the north, they would not come from the south-east or the south-west.

2772. But supposing the recommendation of the Judicature Commission, that the Home Circuit, should be brought to London, were carried out, then surely a large number of persons would be brought from the surrounding counties?—Undoubtedly they would; but I think the access to Carey-street would be more convenient even then. It is manifest that it would be so from Middlesex. I think that it would from Herts and from Essex; they would all come from the northern part. From the south, from Surrey and Kent, they would have to come over the bridges, and the difference on either side of the bridges would be very slight indeed. No doubt if there were a bridge just opposite, it might be some convenience to them to come to the Embankment site.

2773. May I ask when you go to your court, how you generally go; is it by the Strand?—No, never; I live in Hyde Park-terrace, and I walk to my court every morning down Oxford-street, through Lincoln's Inn-fields to Lincoln's Inn, and into the Rolls-yard.

2774. Supposing that you come by carriage, how do you come?—Exactly the same way.

2775. But there would be this difficulty in reaching Carey-street, that you would have to pass through a good many small inconvenient streets?—No, I do not think you would. If you came from my district you would go down Oxford-street, and Little Queen-street, into Lincoln's Inn-fields, and then you are at Carey-street. If you came from the north, from Russell-square, for instance, you would come down King-street and Little Queen-street into Lincoln's Inn-fields, in the same way.

2776. Are not those streets small inconvenient thoroughfares?— They are, but they are very short; Little Queen-street is very short, and all the streets above it, to the north of the square, are of a very convenient size.

3777. Sir *William Tite.*] Your Lordship has been good enough to express an opinion that the concentration of the courts would be convenient to solicitors, what is your Lordship's opinion with regard to suitors, and the general public?—I do not think it would be any advantage to them at all.

2778. In what way would it be convenient to solicitors?—They have business in a great number of courts at the same time on the same day, and consequently if they are obliged to attend to all these matters, they must have a clerk here, and a clerk there, and a clerk at another place, whereas one clerk might do the whole, if the courts were concentrated; supposing a solicitor has a trial going on at Westminster, a trial at Guildhall, and a trial at Chancery, he must have three clerks attending at those three places. It is true that a Chancery clerk does not usually attend to common law business, but still, with every allowance for that you would find that a smaller number of clerks would then be able to deal with the business, or else I should have thought that so far as the public are concerned, the separation of the courts is more convenient to the persons not acquainted with it, the bustle attending the accumulation of the courts is a great evil, and a person coming from the country is completely puzzled and does not know what to do or where to go to, and you ought to have persons to direct such people. At Westminster Hall, on the other hand, a person knows where the Queen's Bench is, and the Common Pleas, and the Exchequer; their names are put up and they go into them at once.

2779. Does your Lordship think that the bar would be benefited by the courts being concentrated in this way?—Not a bit.

2780. Would not a man, on the contrary, undertake more business than he could manage perhaps from that fact?—I do not know; certainly it would be no advantage to him.

2781. And the fact that they were all united would be no advantage to me, or to anyone else?—No. There was a species of advantage which we used to enjoy a great number of years ago when I was first called to the bar; but it is an advantage which suitors derive no benefit from, or if they do derive any, it is in the most indirect manner. I allude to the union of barristers of the different courts meeting together at a coffee house. Such a meeting of barristers in different branches of the law had a great tendency to improve the profession, I think, to elevate the standard and character of the profession; and they got assistance from one another in improving the different parts of the profession; but that is purely a social benefit.

2782. Your Lordship said that the courts were complained of very much now, and that if they were

were rebuilt, they would be equally complained of; does that arise from the crowds at one time and the want of a crowd at another?—Yes. And when persons complain of the ventilation, they never seem to me to understand the difficulty of ventilating a place which is to hold 600 people at one time, and 60 in the course of half-an-hour.

2783. And your Lordship thinks that we should not be exempt from that difficulty, if we took the pains of building the New Courts?—No, you might diminish it a little, but practically you would not remedy it.

2784. Your own court is convenient, I believe?—Yes, I rarely have a crowd there; and it is about double the height of the other courts, and the air is usually freer and fresher.

2785. You spoke of the increase of fees also, as against the public; you are quite aware that one of the means which is suggested to pay for these new buildings is an additional duty on probates of one per cent.; do you think that undesirable?—I do not think that very undesirable, because, in fact, the tax upon the probate nobody ever feels; it is perfectly unjustifiable in principle, because it is a tax upon capital, but it is a tax which nobody ever feels; in fact, it is like the legacy duty in that respect, though upon principle it is wholly undefensible. When I say that it is a tax upon capital, it is never saved. If a stranger leaves you 1,000 *l.*, you pay 100 *l.* on that, and you treat that as a legacy of 900 *l.*; but if you are taxed 100 *l.* a year upon your income, it diminishes your expenditure to that extent.

2786. However, your Lordship thinks that that is a less objectionable way than increasing or continuing generally the fees paid to the ordinary courts of equity?—Yes.

2787. Lord *John Manners.*] If the additional expense is to be met by an additional tax upon probates, would it be your Lordship's opinion that the probate department should be properly accommodated in the new building?—Yes.

2788. With respect to your own court, in the event of its being decided to place your court in the new block of buildings, would you tell us which would be the most convenient site for you to go to from your offices in the Rolls Court to the New Court?—Unquestionably, the Carey-street site would be the most convenient. The other would be singularly inconvenient to me. In the first place, I should have to cross the Strand, which would be singularly inconvenient. It is at any time a great nuisance crossing these crowded thoroughfares, and then I should have to do it regularly, whereas I have not now to do it at all.

2789. Mr. *Watkin Williams.*] I think I am right in saying that the Rolls Court is confessedly one of the best courts in the kingdom?—Well, Sir William Tite is a much better judge of that than myself.

2790. There is not any likelihood of improving the Rolls Court by the change?—No.

2791. Mr. *Bentinck.*] Is it intended that the Rolls Court should be pulled down as the new building advances?—I believe that ultimately it will be pulled down. At present the Government have acted very liberally towards me at the Rolls, for they have given me ample space for keeping a great number of documents which will last for many years after I am gone. The Rolls House used to be inhabited by the Master of the Rolls. There is a private chapel belonging to it which I am in the habit of attending. It would be a great inconvenience to me if they pulled down the Rolls House and the Rolls Chapel, and took away all those recollections; it would be painful to me, but I do not think that there is any chance of its being done at present.

2792. You recollect the Committee of 1861, when you were examined, I believe?—I think I was.

2793. Upon the question between the site in Carey-street and the site on the centre of Lincoln's Inn-fields?—I do not remember my evidence.

2794. On that occasion you gave evidence to the effect that it was highly undesirable that any one who held the office of keeper of the records that the court should be removed?—Yes; I thought it better that it should be within the precincts of the Rolls Estate.

2795. You adhere to that opinion now?—Yes.

2796. As that building advances, is it contemplated to occupy the whole of the site of the Rolls Estate by the Record buildings?—No; but a certain part of the Rolls Estate now is occupied by common law offices; almost all is occupied by common law offices; and some houses in which I have put some documents relating to the Record Department.

2797. Then in that case a part of this Rolls Estate would be available for the general purposes of the law courts?—No, I think not, from being on the other side of Chancery-lane. The Rolls Estate lies almost entirely to the east of Chancery-lane, and you do not propose, as I understand, to take the interval between Chancery-lane and Carey-street, where the Incorporated Law Society's building now stands, and the houses which run down to Fleet-street. The Rolls Estate lies on the east of that.

2798. Perhaps it may not be within your knowledge that evidence has been given here to the effect that in the reduced plans a certain number of courts and offices have been left out that were included in the original plan, and therefore these offices would have to be located somewhere. The object of my question was simply this, to ask you whether, in the event of its being necessary to find a site for these extra courts it would not be possible that they might be erected upon the Rolls Estate?—No; I do not think they could. In the first place, the records increase very rapidly, and then it is very desirable that they should be very carefully preserved. I do not believe that such a collection of records exists in the world as exists in this country, and they will be constantly increasing; in the course of years I have no doubt you will require some considerable additions.

2799. Then you think, that, in principle, the whole of the Rolls Estate ought to be dedicated ultimately to the reception of the records?—Yes, all that remains of it, all that is not already taken up by Judges' Chambers; it runs down to Serjeants' Inn, and Serjeants' Inn has taken up a good deal of it in that way.

2800. But as to that part in which the Judges' Chambers are now situated, would it not be available for any general purpose?—You must have those offices somewhere. I do not know what they do in the Judges' Chambers, but I know that they require an ample space, and that they have a large building, which I believe stands principally on the garden of the Rolls. The Committee are probably aware that the back of the

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Rolls House, till within the last 30 years, there was about an acre and a quarter of garden ground in the middle of London which belonged to the Master of the Rolls.

2801. Then you do not contemplate that the site now occupied by the Judges' Chambers would ever be required by the Record Office?—I do not say that. I think the Record Office will require more room, but whether they are to turn out the Judges' Chambers, or not, I do not pretend to express an opinion.

2802. Mr. *Osborne Morgan.*] Does it not sometimes happen that a judge, in the course of hearing a case, requires to see the original document, and has to send for it?—Yes.

2803. Looking to that circumstance, would it not be desirable that the courts should be within a reasonable distance of the Record Office?—Yes, but I do not think that that happens very often; it has happened to me very frequently, but I am not sure, to tell the truth, that I do not a little encourage it, from the facility of obtaining the document, but still, occasionally, it is desirable.

2804. Mr. *Goldney.*] You have spoken of the great advantage of having offices near the courts, so that the judge should communicate with his officials without loss of time?—I referred then to the Master of the Rolls.

2805. Do you not think that in the case of the Vice Chancellors, it would be an advantage?—I suppose that if the New Courts were erected, they would have their offices close to them; it is of great importance that they should have their chief clerks near them.

2806. The chief clerks now are at a considerable distance from the three Vice Chancellors?—Yes.

2807. They must suffer practical inconvenience from the want of concentration of offices and courts?—Yes; if I want anything of those officers, they are in houses on the other side of the yard, and I send across, and get it in an instant.

2808. But your offices, although near your court, are very bad offices, are they not?—I do not know them well, but I think that they are not very bad; I believe they are better than the Vice Chancellors'.

2809. You spoke with reference to the saving the time of clerks and solicitors that would be effected by the adoption of the Carey-street site, but that practically results in a benefit to the clients, does it not?—I suppose it does, but I should think that the saving to them would be very small; I will answer for it that the solicitors will do the business just as well if the plan is not carried out. It will cost them less to carry on their business when these things are done, but their business would be done just as well without them. I do not think that to the suitors it would make a difference of a penny per cent.

2810. Take it in this way, supposing that in the Examiner's Office, for instance, it was necessary for a counsel to attend, and, supposing that that counsel was engaged in court, the separation of the court from the Examiner's Office frequently causes material delay, does it not?—I daresay it does; but you cannot prevent that, even if you have the courts close to each other; a person cannot be in two places at once; and the serious inconvenience usually arises from the fact of his being actually wanted at the same moment in two different places. I think Mr. Osborne Morgan will admit that we occasionally wait till a gentleman can come from another court and postpone his case a little; but it is an inconvenience which results from his being actually engaged elsewhere.

2811. When the Chancery Court was sitting at Westminster, it was then a great inconvenience in the way of chamber practice, was it not?—Very great.

2812. And that inconvenience would, to a certain extent, operate now, if the courts were placed on the Embankment site?—Yes; but I may observe that it was a great advantage to young men. Many a draft have I had to draw by reason of a counsel being detained at Westminster, and the defendant being under process of attachment; I am talking now of recollections of a great many years ago.

Mr. Charles Hall, called in; and Examined.

Mr. *C. Hall.*

2813. *Chairman.* You are a Chancery Barrister?—Yes.

2814. May I ask where your chambers are situated?—My chambers are in Stone Buildings, Lincoln's Inn.

2815. I suppose that you have had a good many opportunities of ascertaining the feeling of your profession, on the subject of the best site for these new courts?—Yes, I have; but I cannot say that I take any very warm interest in the question one way or the other; I rather came to give evidence as to what my own personal experience was with regard to the convenience of the one site or the other.

2816. Then I will put it to you in this way; looking at your own business only, which site would be the most convenient to you?—I should say undoubtedly Carey-street; and I should say that certainly in common with gentlemen who are in the same branch as myself—I am behind the bar, and have practised behind the bar for a great number of years: I am principally an equity draftsman and my business consists in drawing pleadings in Chancery—we are often under very great pressure in drawing those pleadings, and it is a great convenience to be very near the court, because I am enabled by that means, and so are many gentlemen in the same situation, to spend a great deal of time in chambers. We have a clerk in court who is always there watching to see how the cases are going on, and we are summoned in just as we are wanted. That enables us to be drawing pleadings up to the very last moment, and, as your Lordship is aware, in injunction cases it is of the greatest importance to the public that there should be no time lost; half an hour may make all the difference in the case of the pulling down of a house, and the sailing of a ship, or the drowning of a mine, or any similar thing. We draw Bills for injunctions in that way, and I have drawn many scores I may say in that way, and an absence of half an hour would have made all the difference. I practised for a long time while the courts were at Westminster, before Lord Cranworth ultimately made the change; first of all it was begun by Lord Cottenham, and it was ultimately completed by Lord Cranworth,

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Cranworth. At that time it was the very greatest inconvenience to us when we were summoned down there; counsel in considerable practice did the best they could; they got down by cab or otherwise, but occasionally they were too late, do what they would; and their cases were over before they got down. Now although there are generally two counsel in a case, and the leader may conduct the case, yet as the junior has been concerned from beginning to end with the pleadings, and knows the evidence from beginning to end, it is of the greatest importance to the suitor, that he should be there; and I am quite satisfied that unless the junior counsel is at hand, very often suitors are very much wronged by it; and that would happen if you do not have the chambers substantially close to the court; I may mention that there is another, to my mind, great advantage in having the Courts close to the chambers of junior counsel in particular. The bar of this country, and particularly the Equity bar, are educated to a very great extent in chambers; that is the course of their education, and the very best education that they could have, in my judgment, and, I believe, in that of most persons of experience. They go to chambers, and they have papers put into their hands, and the counsel instructing them is enabled to go through those papers with them; if the counsel is not at hand, this consequence follows: the papers are pressed for, the papers are taken home by the counsel in his bag at night; they are done at night or early in the morning, and that communication between the pupil and the preceptor does not take place which takes place in other cases; and I say that it is to my mind not only a great advantage to the bar in point of education, but indirectly necessarily also to the public, because you have the bar properly and thoroughly educated in that way; and I am satisfied that there is no other way of educating men, except taking them into chambers and letting them see actual practice; that does not apply to the common law bar so much, because it is a different style of business; but it is particularly the case with reference to the Equity bar.

2817. Mr. *Layard.*] I understand you to speak only as a Chancery barrister, not with regard to the common law bar?—I do not speak with regard to the common law bar.

2818. I can understand that an hour's difference would be a matter of great importance; but would it be so if the distance after all only involved a matter of five minutes?—Well, if we were within five minutes of the chambers, I would not say that that would be so; but as I apprehend the proposed distance of the Embankment site, I think that a very large proportion of the chambers of Lincoln's Inn would be much further off than that.

2819. I think Sir Roundell Palmer stated that even in the present crowded state of the thoroughfares, he was only six minutes in going down to the site; you would not consider five or six minutes a very great disadvantage?—No, I should not. But unless you are almost on the spot, you are always under a state of apprehension; you must go to the court, and you do not know whether you dare go away or not, and you cannot work there; that has been tried down at Westminster; we used to do a very limited amount of work there in the Library sometimes, but we were always in a state of apprehension; we could not do it. Now a very large proportion of the chambers in Lincoln's Inn are within, I should say, two minutes of the court, and you are called in directly you are wanted.

2820. Are there any practising Chancery barristers residing in the Temple?—I do not know of any who belong, properly speaking, to the Chancery bar, any Equity draftsman in the Temple; I should say not.

2821. Lord *John Manners.*] The time that you would be absent from your chambers would be six minutes each way?—Of course it would be six minutes each way; and if you went down to see how things were going on that would be a serious interruption; we do that now; we go into the court and just see how things are going on, and we satisfy ourselves that we are safe for such a time; if it is a quarter of an hour we may go away and leave the clerk to watch; if we cannot be sure of that we stop, but if it is six minutes each way of course that would alter matters considerably.

2822. Mr. *Osborne Morgan.*] Can you give me any idea how often you go backwards and forwards from your chambers to your court in a day on the average?—I should say myself, taking one day with another, that I go backwards and forwards to court five or six times.

2823. Is it not a fact that the proportion of chamber work done by a common lawyer in large practice (I am speaking of a man behind the bar) is very small as compared with that done by the Chancery barrister?—There is no comparison at all between the two; the labour of the Equity draftsman in his chamber work is ten times as much as a common lawyer's.

2824. As compared with his court work the proportion occupied in chamber work is, at least, half of his time?—Certainly; I should say, that although I have a great deal of court business as well as chamber business, I get, at least, half a day in chambers, taking it all round.

2825. That would apply still more strongly, could it not, in the case of gentlemen who combine conveyancing with the work of Equity draftsmen?—Yes.

2826. A great many do so?—Yes; I am one of the conveyancing counsel to the court myself, and therefore I do combine conveyancing with the business of an Equity draftsman; but, I speak more particularly of my Equity business, which is my principal business; it is probably more inconvenient to the conveyancer not to be near the court; and as most conveyancers do now generally combine the two branches, it is even more important to the conveyancers to be close at hand than to others.

2827. You spoke of your experience in the courts of Westminster; are you in the habit of practising at the Rolls Court?—Yes, I practise there.

2828. Do you not find even that distance inconvenient?—I think it very inconvenient indeed, and I think the court highly objectionable on that account; the Master of the Rolls is a very pleasant judge to practise before, but I, in commmon with many others, go there as little as I can.

2829. Would not that inconvenience be multiplied considerably if the courts were removed to a still greater distance?—I should say so, certainly.

2830. Mr. *Goldney.*] When you spoke of the personal gain and comfort to yourself, it would also be a very great gain to the suitor in respect of

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of the facilities for communication if the court were placed near the counsel and the solicitors?—Yes, certainly; of course the immediate gain is that of the solicitor being in immediate communication with the counsel, but whatever benefits the solicitor in that way must benefit the suitor.

2831. And the facility of the business would result to his benefit by the acceleration of the ultimate result of the cause?—No doubt.

2832. The general public are affected very little with the Equity courts; I mean that you have very few juries?—Very few juries.

2833. And very few witnesses?—Very few witnesses, and comparatively, I suppose, fewer of the public attend the courts; they are not so interesting, generally speaking, as the common law courts, and, therefore, the general public do not attend them so much.

2834. If the courts were placed on the Howard-street site, do you agree with what Sir Roundell Palmer said, that it would amount almost to a prohibition of the advantages which you have now?—I quite agree with that; I think it would be so, certainly. Speaking for myself, individually, I do not think that it would be at all possible to continue the business that I carry on at present, or anything like half of it.

2835. Instead of being benefited by the concentration of the Courts, you would be detrimented?—Certainly.

2836. Earl *Grosvenor.*] Has it ever occurred to you whether a system of telegraphs might be established between the Law Courts and any of the Inns of Court, Lincoln's Inn, say?—No; I have not considered that question.

2837. Do you think it possible that some such system might be established with advantage?—I really have no sufficient knowlege upon that to render my answer to the question worth anything.

2838. Mr. *Beresford Hope.*] Do not you think that any system of telegrams would be liable to great confusion, there would be so many lawyers telegraphed for simultaneously that probably the message would take much longer to reach the lawyer than a swift clerk on foot?—I think that is not at all an unlikely consequence; but I must again say that I have not considered that subject; I do not know whether I might be allowed to make one observation which has occurred to myself. I dare say very probably it may have been mentioned by other witnesses, and it is not a subject which I have any particular knowledge upon, but I think that I may be allowed to mention it perhaps. It occurs to me that if you change the site of course the consequence must be, that you must acquire a considerable quantity of private property for the new site that you propose to take. Therefore you must, to a certain extent, draw away actually from existing property the present tenantry. Now it has occurred to me, in my experience, to see very many cases of hardship flowing from that, particularly where you take house property. You take house property which is very often the subject of family provision by settlement and by will, and when that property is so taken, the consequence is this, the owners of that property have to search for other investments for their money; a good deal of it goes into the Court of Chancery, because they cannot make the title without going into the Court of Chancery. You must re-invest it; the only thing that you can re-invest it in at once is the Three per Cents.; the consequence is, that there is a lamentable diminution of income in many cases to the persons who were in possession of those incomes before. The owners of the property the tenants of which are drawn always, also suffer by reduction of their rental. I have seen very many cases of hardship in my own professional experience flowing from these changes of property, and it has occurred to me with reference thereto, that although it may be that the one site is so much better than the other, that the private right ought to yield to the public advantage; yet it must be a very paramount, and a very great advantage, which would warrant an interference with private property in a way which would lead to great hardship in the manner that I have mentioned. I do not know whether I have travelled out of my way in mentioning it, but I thought that I ought to mention it as it presented itself to my mind.

MR. JOHN OAKLEY, called in; and Examined.

Mr. *J. Oakley.*

2839. *Chairman.*] YOU have had large experience, I think, as a surveyor and valuer?—Yes.

2840. You have been engaged in that business for a good many years?—Yes; more than 25 years in this House.

2841. And I believe that you have had opportunities of making yourself acquainted with the value of the land in the two localities which we are considering?—I have.

2842. Have you specially examined what is called the Howard-street site?—I have.

2843. And are you prepared to give the Committee any evidence as to the value of that site?—Yes; I believe that the property which is named in this schedule which I hold in my hand, which was the schedule sent to me by Mr. Pownall, may be acquired for 637,494 *l.*

2844. You have examined the property house by house?—Yes.

2845. And that sum includes compensation for all interests that would be affected?—Yes.

2846. Lord *John Manners.*] Have you examined also the plan of the Carey-street site?—I have.

2847. And will you give the Committee the results of your examination of the Carey-street site?—I have examined the Carey-street site with Mr. Pownall's valuation in my hand, Mr. Pownall's valuation being this, that the ultimate ground rent which the Carey-street site would produce according to his plan would be 18,216 *l.* per annum, which he has calculated at 20 years' purchase, making the value of the fee at this moment 364,320 *l.*

2848. Have you compared that with the estimate which Mr. Hunt has given of the same property?—In my opinion this ground-rent named by Mr. Pownall is as much as the property will ever produce, therefore, in giving that opinion, of course I give an opinion that the rent that Mr. Hunt named is more than it will produce.

2849. You are of opinion that no company or persons will probably be found to give more than 364,000 *l.*?—Well, if a company, or any body of persons

persons are ready to give security at once for any rental which may be named, and that rental to commence at once, of course that is an unanswerable proposition.

2850. Sir *William Tite.*] You spoke of 20 years' purchase on these rents as the amount that they would realise; do you, or do you not, know that those ground-rents in Victoria-street, which are not very favourite rents in the public appreciation, under similar circumstances precisely, have sold for 25¼ years, and some even up to 30 years?—Yes; but the highest case I know of ground rents selling was Cannon-street, by Hoggart & Norton, which realised 27 years' purchase on the average, and these ground rents bear a larger proportion to the rack rents than any street I know of.

2859. Taking Victoria-street, which is not a very favourite street, at 25¼ years, which that commission has realised, and Cannon-street at 27 years, why do you put this at 20 years?—Because that is the price for immediate money; I take it that before this 18,216 *l.* can be secured 14 years will pass away; it will take 14 years to cover it; the mean of that is seven; I therefore deduct seven years from the 27 years which the rents would be worth when they are realised, and put them at 20 now.

2852. How long did it take to cover Cannon-street?—A very short period after it started; but I have taken that 14 years from my own experience; this is a large quantity of land, and a large quantity of capital will be required to cover it, and it will take a long time.

2853. But if Mr. Hunt has the offer of a certain amount which would represent a ground rent in that sense, what is to hinder your realising that at once, and putting it up to auction?—Because you have no security for the rent; if you sell it on a personal security, no one will buy it to give a good price for it; but if you sell it after the houses are upon it, and when it is secured, it will fetch 27 years' purchase.

2854. But what is to hinder the land being covered within a year from this time; how long did the Excise Office, for instance, take before it was covered?—The Excise Office I do not think is an analogous case to this.

2855. Take Cannon-street, then?—Cannon-street is not analogous to this, because it was a much more valuable site, and more capital was brought to bear on it than could be here in my judgment. The new frontages will, no doubt, go first, but it will be many years before the entire is covered; and this 18,216 *l.*, I take as the immediate rent to start now, and the capitalisation of it should be upon the principle which I have put forward, even if I have not done it rightly. I took Mr. Hunt to say that it would be two years at a peppercorn rent, and nine years at a graduated rent; that is 11 against my 14.

2856. However, if you could get the frontages taken as they were in Cannon-street, is Cannon-street so much better than the Strand, that the cases would not be analogous?—It is better than the whole of this site. As soon as you cover any one site with a building and secure the rent, you may sell that ground rent and get 27 years' purchase for it when it is covered and secured; but it will be a long time before 5¼ acres will be covered; the time occupied, even if the capital is ready, will be considerable.

2857. Why should it be; they can build as well on one place as another?—We have not had many sites of this size to deal with; I have one in my eye of four acres which it has taken a long time to cover.

2858. Is that near London?—St. Thomas's Hospital.

2859. But in that case the railway station was exactly at that time removed into the heart of the City?—No doubt the value of St. Thomas's Hospital was diminished by taking the station away; but it will be a long time before that is covered even now.

2860. Mr. *Goldney.*] Your opinion as a practical man is, that no person or company would give the 364,000 *l.* down now for that site?—No; I do not think that you would find any one to go into so large a transaction as to pay the cash for it; the only way to develop the value of a large site like this, is to take it bit by bit; if you want to sell the whole at once, you must take a less price.

2861. The only mode of obtaining the 364,000 *l.* you think would be by letting it out in lots?—Yes.

2862. So that the public or some one must be out of the money for some time?—Yes.

2863. As regards the Howard-street site, do you think that the Howard-street site could be acquired in a year?—I think that that is much more likely to arise than that the Carey-street site will be covered in the time named.

2864. In the ordinary way, would it take a whole year to acquire all the interests on the Howard-street site?—I should think that a year is a short time, but it is quite possible to do it in a year.

2865. Your estimate of the cost of the Howard-street site is wholly irrespective of any expense necessary to widen the approaches there?—Yes; I have got that separately.

2866. Will you tell us what your estimate of the cost of widening approaches there is?—£. 162,000.

2867. Will you state what that includes?—It includes the east side of Essex-street, four shops in the Strand, and four blocks of buildings in Devereux-court.

2868. And that you think would be necessary if any large building like the Law Courts were to be placed on the Howard-street site?—It would be necessary before Essex-street could be widened. I have only dealt with it as these properties have been put before me. I am not an architect so as to speak as to whether it is a proper situation or so forth.

2869. You are merely valuing them as to what the cost would be if the necessity arose of taking those buildings down?—Yes.

2870. Earl *Grosvenor.*] Your estimate of the Carey-street site is put upon the ground of the value of the site as it is, I suppose, independently of the law courts being put upon the Howard-street site?—I take it that the clearing of the Howard-street site would induce to the more quickly covering the Carey-street site; but I think, with all, that it would take 14 years to cover it.

2871. Mr. *Layard.*] Have you had any experience in the purchase and resale of property in London?—Yes, certainly.

2872. What do you consider, on the average, the loss upon the resale of property purchased?—I did not apprehend your previous question properly. I meant that I have estimated a great many sites, and I have tested that estimate by buying

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buying the property; and generally in that way we find that the property costs almost always rather more than we put it at; but, on the other hand, the surplus land generally sells for more than the estimate.

2873. Are you aware of the cost of the Carey-street site, I mean that part which has been already purchased?—Only from seeing the figures published.

2874. You are aware that it is about 800,000 *l.*?—Yes.

2875. Do you think that the property purchased at above 800,000 *l.*, including expenses incurred in purchasing it, has been providently purchased, when it will only fetch, according to your estimate, 364,000 *l.*?—I do not think that sites cleared, where there have been large businesses carried on, would ever sell for the same money after they were cleared as they were purchased for.

2876. What experience have you had of the re-sale of such a site as this?—None; there was no trade in the case of St. Thomas's Hospital site; there was only the cost of turning out a large hospital; no doubt they had 50,000 *l.* or 60,000 *l.*; but I have had no experience in having to sell a large site after it has been cleared. I should say that there is no doubt that, if you buy up sites with bad properties on them and with no trades, in many cases you can sell them again at a profit; but in the case of the Carey-street site you could not do it on the best terms.

2877. Taking the property between the Strand and Carey-street, but not taking the Strand frontage, can you say what the nature of that property was?—I never examined that site; I had many compensations on it.

2878. Was it not of a mean character?—A great deal of it was.

2879. Do you think that the Government ought to incur a loss on the resale of that property of nearly, 500,000 *l.*?—No, I do not think that they ought to sell it; I do not think that that is the way to realise it in the best form; I think that they ought to realise it by degrees; I think that they ought to lay out roads, and when they have fixed those main arteries, then let it bit by bit, and when the ground rent is secured by the property placed on it, sell it.

2880. A great deal, therefore, in your opinion would depend on the way in which the property was laid out?—Yes.

2881. And what would your advice be as to that?—I am not an architect, but I think that if Essex-street is widened there should be a wide street made up into Carey-street, and I think that Bell-yard should be widened; I may say that when I let land on agreement for a lease with arterial roads set out, it is seldom that the arterial roads in the agreement turn out to be the arterial roads in the lease.

2882. But the arterial roads add to the value of the property, do they not?—Yes, no doubt.

2883. Do you agree with Mr. Hunt, that if you carried the main road through the Carey-street site, opposite the end of Essex-street, you would have to incur no loss in the value of the land?—No; I cannot follow Mr. Hunt's figures, which I took to be this, from reading his evidence in the shorthand writer's report; that he knew parties who were ready to begin by paying 3 per cent. upon the cost of that site, and that it would be, after 11 years, 3½ per cent.

2884. That is not my question; my question was, supposing that that site were utilised for building purposes, you could carry a street through it without any loss upon the value of the land?—I do not think you could realise the land without putting the street.

2885. You, of course, have a good deal of business with Mr. Hunt?—I have.

2886. Have you found him generally accurate in his estimates?—Yes.

2887. Lord *John Manners.*] What I understand you to say is this: that, if the Government become building speculators, you think they can get rid of the cleared ground in Carey-street with a less loss than there would be by proceeding on any other plan?—Yes; I do not think that you would find any one to buy the Carey-street site, for cash, at the price that the Government ought to part with it for.

2888. The Government ought to be the building speculator itself?—You would get more capital, and at the same time incur less loss upon the Carey-street site, by selling it to individuals, than to one gentleman who should find the whole capital.

2889. Sir *William Tite.*] Supposing that it were not a gentleman, but a company, as described by Mr. Hunt?—I think, whether it is a company or a single individual, either the body or the one man would know that there are so few customers for such a property that they would not give 364,000 *l.* for it, although I believe that it is very probable that, in the course of years, perhaps less than 14, 18,000 *l.*, ground-rent would be produced from it.

Tuesday, 27th July 1869.

MEMBERS PRESENT:

Mr. Chancellor of the Exchequer.
Mr. W. Cowper.
Viscount Enfield.
Mr. Goldney.
Earl Grosvenor.
Mr. Russell Gurney.
Mr. Beresford Hope.
Mr. Hunt.
Mr. Layard.
Lord John Manners.
Mr. Mowbray.
Mr. Osborne Morgan.
Lord Stanley.
Sir William Tite.
Mr. Watkin Williams.

The RIGHT HONOURABLE LORD STANLEY, IN THE CHAIR.

Dr. AUGUSTUS FREDERICK BAYFORD, called in; and Examined.

Dr. *A. F. Bayford.*

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2890. *Chairman.*] YOU are the Senior Registrar of the Court of Probate, are you not?—I am.

2891. Are you in charge of the records and other documents which belong to the Court?—Partly, with the other registrars.

2892. Where are those records at present deposited?—The greater number of them are deposited at Doctors Commons. Some are at St. Paul's; and others in the district registries all throughout the country.

2893. Is it considered an object that they should be brought together?—Undoubtedly so; and as a great national object, the thing which I had always before my mind as worthy of aiming at was this: that you should have a depository of all wills and of all testamentary information in the Principal Registry of the Court of Probate; so that anybody might then obtain every existing information in reference to any grant of probate or letters of administration that ever had been made, of which there was the slightest record in this kingdom. In order to do that, it would be necessary for all the papers to be in one place, and for one set of persons to have charge of them; otherwise it would be impossible to carry out any plan of that sort.

2894. I presume that it belongs to the very nature of the business of your court that it must extend in amount?—Certainly; as the population increases, and as the resources of the country increase, so of course our business increases.

2895. It would follow therefore, would it not, that wherever your offices are, they ought to be in such a position as to be capable of extension?—Quite so.

2896. Have you formed an opinion as to what would be the most desirable position for them?—The most desirable position that has ever come before me was the original one which was proposed in the Carey-street plan, as it is called. Our position there was on the west side of the building, and the effect of that was that, though we could not in the building itself, perhaps, have made any extensions, supposing that it had been necessary to extend the offices, which it would not have been for many years, at any rate, there would have been in the locality just opposite to us, the means of purchasing places in which we could have put certain of our departments, as we do now, and re-arranged the rest, and thereby have greatly extended the premises.

2897. Then, if I understand you aright, you would prefer the Carey-street site, because there is a greater facility for buying up adjoining land, which land would be required for the purposes of your future extension?—That is one reason; but there is another, which however was embraced in the other larger plan, which seems now to be rather abandoned; namely, that the original Carey-street plan enabled us to be close to the court. It is of very great importance to us; indeed, it is of such great importance that if you had asked me ten years ago whether we could have gone on as long as we have gone on without daily and constant communication with the judge, I should have said that it was impossible, and that the court could not have gone on, and that the registry could not have gone on. Still, we have done it for ten years, and, therefore, I cannot say that it is an impossibility; but we feel it throughout all our business.

2898. Mr. *Layard.*] Supposing that you could obtain the same accommodation on the Howard-street or Thames Embankment site, then you would have no preference for the Carey-street site?—Quite so.

2899. Would you prefer the Thames Embankment site?—No, I should not; I should have no choice at all.

2900. Then supposing the same accommodation to be found for you in the vicinity of the courts, would I understand you to say that you have no preference for either of the two sites?—Not the least in the world.

2901. I presume that your offices are chiefly the resort of the public who require to see wills, and obtain information regarding wills?—There are a great number of solicitors and a great number of their clerks daily, and the rest of those who visit are composed of the public generally.

2902. Does that public bear a large proportion to

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to the solicitors and their clerks?—I can hardly tell you. Giving a guess, I should say that probably it was divided between the two; but I cannot give anything like an accurate statement on that head. The thing differs very much in this way: on all days we are visited by the solicitors and their clerks in pretty good numbers, but on some days we scarcely see one of the public; but then the public on other occasions come and overflow us, so that it is very difficult to say how that may be.

2903. As regards the access to the two sites, have you taken that question into your consideration?—Yes. I do not see, as far as we are concerned, that it would make any difference; indeed I should say of the two, as far as I understand the plans, that there the Carey-street site had the advantage, because we should come into a street which would be almost entirely occupied by our buildings, and consequently the public would go into and out of a street which was not occupied by the rest of the building.

2904. My question had reference to access from different parts of the metropolis and from different parts of the kingdom. As you are aware, the building on the Thames Embankment would be accessible by the circular railway, by the Embankment road, and by the river?—Yes, and so would the other; it is merely a question of walking across the Strand.

2905. It would be more than that, would it not; it would be going up one of those streets, such as Essex-street?—Just so.

2906. Sir *William Tite.*] You have spoken of the judge; what judge do you mean?—Lord Penzance.

2907. I suppose you have understood that that arrangement of that court has been already abandoned and given up altogether, and put elsewhere?—I do not quite understand that.

2908. However, you want to be in connection with the Court of Probate, do you not?—Yes.

2909. Is that the court where the divorce cases, and so on, are tried?—It is a court in connection with it; the same judge presides over both.

2910. Will you explain what is meant by the Court of Probate?—The Court of Probate is the court in which wills which are disputed are tried. Supposing that a will is disputed, the case is heard in the Court of Probate; on the other hand, supposing that there is no will, but a case of administration, and the question is who is to administer, that case is also decided in the Court of Probate. In the Court of Divorce, which is presided over by the same judge, and the registry of which is in connection with the registry of the Court of Probate, the registrar of the Court of Probate superintending both registries, the matrimonial cases are tried.

2911. I suppose, then, that the two courts have no natural connection, except that they happen to have the same judge?—They always, up to this time, have been connected, and so one can hardly say that.

2912. Where does the judge sit now?—At Westminster Hall.

2913. Does he sit at all in the neighbourhood of your offices?—No.

2914. Are you aware that the general impression is, that that court is to be given up as one of the great associated courts of law?—No, I never heard that idea before.

2915. If that was so, I suppose all that you would want would be that there should be some central place where all your documents would be together. How are they kept now?—They are gathering together as fast as we can get room to take them, and clerks to take charge of them. That is the state of things.

2916. What space have you where you are?—I can hardly say. We have two large buildings entirely devoted to papers. Perhaps that is the easiest way to explain it. Mr. Pennithorne probably knows the dimensions, but I can hardly state them.

2917. When you speak of the west side of the Carey-street building, do you imagine that the space which you were to have there was to be equal to take all the wills in England?—Quite so.

2918. Have you any idea of what that space was?—I think that I can answer that question in this way, showing what was allotted to that purpose; I have the instructions to the architects in the first instance.

2919. Did you suggest that the documents should be in a tower?—I did not; I adopted that. It was the suggestion of one of the architects to me, whether that would not be as good a form of keeping our papers as any other, and he thought it would have a very good architectural effect; to which I said immediately, "There is no reason why it should not be in a tower, and, if it adds to the beauty of the building, so much the better."

2220. Do you consider the mounting of steps for 20 or 30 feet, any objection?—But we had the tower arranged so that off every floor you should enter it; so that the documents which would be used on one level would be in the tower on the same level at which they were wanted.

2921. Still you would have the steps to ascend, would you not?—To get up to our rooms, but not into the tower.

2922. What is the extent of the documents for the present century, for I presume that the present century would cover all that is likely to be wanted in any judicial proceeding?—No, I do not think that you could fix any time; I have in vain attempted to do so; it must always be remembered that the large bulk of the testamentary records extends only down to the year 1800; if you take those away the remainder is comparatively small; and when you go back to 1700, it is afterwards only a question of a room or two; they are but few throughout the kingdom; consequently, unless you stop after 1800, or 1825, or something of that kind, you really make no very material difference in the room which you want to provide.

2923. Then from 1700 to 1800, I suppose there is an enormous mass of documents?—It is not anything like those since 1800; perhaps it is about half. I do not think that you could stop before 1700, because we are constantly wanting those wills to use for grants, in respect of pedigrees and things of that kind, and administrations, and so on.

2924. Then do you think, on the whole, that they ought to be altogether, wherever they are?—It seems to me so.

2925. And as long as they are where the judge is, you do not care where they are?—No, I think that would be so.

2926. Lord *John Manners.*] Were the plans which were agreed upon Mr. Street's accepted plans, satisfactory to you, and to the other officials of

of your Department?—Perfectly so; we had every single department before us, and the clerks who were to be engaged were themselves consulted as to the convenience of the arrangement, and we all came to the conclusion that there would be sufficient and ample accommodation for us.

2927. By that plan, would the whole of the business which is now transacted in Great Knightrider-street be transferred to the Carey-street block of buildings?—Quite so.

2928. So that if that plan had been carried out the Government would have had the whole of that property available for sale, would they not?—Quite so.

2929. You stated in answer to a question, that the course of your business often leads to disputed wills being brought before the Court of Probate; is it necessary then that the disputed wills should be brought into the court?—Always.

2930. Therefore, in these which you tell us are frequent cases, must not inconvenience and delay arise if the wills are separated from the Court of Probate?—Quite so.

2931. Can you tell us whether there is any idea of the Court of Probate not being placed with the other judicial courts in the revised scheme?—I never heard of it until this morning; I did not know that that was so.

2932. As you understand the revised and reduced scheme, the Probate Court is to be in the courts of justice building, but the Probate Registry is still to be retained in Great Knightrider-street; is that your understanding?—That is what I understand is the general idea.

2933. And that in your opinion would be an extremely inconvenient arrangement, would it not, for the reasons which you have given?—As I stated, it is not an impracticable arrangement, but it would be continuing the inconvenience from which we are suffering at this moment; at the same time it is right to state that, of course, everything which decreases the distance between the registry and the court is so much to our advantage, and we should only have half the distance to traverse that we have at the present moment. Therefore looking at it in that way it is so far to our advantage.

2934. Will you tell the Committee what generally is the nature and extent of the present accommodation for your department in Great Knightrider-street?—We have some new rooms which have been built and which are I believe given to us to-day, and those rooms will be an exceedingly valuable acquisition to us, because they will be rooms fitter for our business and light and airy and so forth, and no doubt that will be a very great addition to our comfort. Besides that we have some houses which are so rickety and ready to fall down that the clerks are afraid to occupy the upper parts of them; those houses have been pulled about by the exercising of the fire engines and so on; the firemen have scaled the buildings and pulled down a stack of chimneys, and so on, and we consider ourselves in some danger in using the buildings at all; those we are to give up as soon as we enter the others. Then we have three or four other old houses which have been pulled to pieces, and doorways made through them and so forth, and of those one or two rooms are pretty fair, the others being very bad; the accommodation is I should say dreadful, in fact it is a reflection upon a country such as this that so large a business should be conducted in such mean and wretched rooms as many of those are; then besides this we have a very large house opposite, and in that we have three departments of the registry; then we have in St. Paul's the trophy room filled with a great quantity of our papers.

2935. Then, in the event of your department being retained in its present site, are you of opinion that very considerable additions will have to be made to the existing buildings?—I have no doubt of that. What would be necessary really to place us in a position, so that we might have that accommodation which fairly, as a Government office, we might look to have, would be this: to take the new part which is built, make that a wing, build a centre, make another wing, and occupy all the rest of the ground which is now vacant there, pulling down the whole of the rooms which we now occupy, and building up proper ones in their stead. That is really what would afford such accommodation as there is in every other Government office. We have not really a decent place in many respects; though the new part will be very nice.

2936. The Metropolitan Board of Works, I believe, are making a new street, as it were, in front of your buildings, are they not?—They are.

2937. Are you able to tell the Committee at what depth below your buildings the new street will run?—I think it is upwards of 20 feet below our old buildings.

2938. Are you under any apprehension of the result of the formation of this new street at the depth which you have described on those rickety old buildings?—I understand that the Metropolitan Board of Works are pledged to keep up those buildings, and I presume, therefore, that there is sufficient engineering knowledge in the country to do it; but, looking at it simply with one's eye, I should say that it was an impossibility; but, of course, I cannot put my opinion forward upon that point.

2939. Is there anything going below the new street?—There is a railway.

2940. Will that go to a still greater depth than the new street below your buildings?—Certainly.

2941. Can you tell the Committee how many feet below the foundations of your rickety old buildings that new railway will go?—I can hardly tell how many feet.

2942. Has your attention been at all called to the effect of underground railways being placed under public buildings?—I cannot say any more than one generally hears; that it is unsafe.

2943. Are you at present in any part of those ricketty old buildings subject to inconvenience from vibration or noise?—No, there is nothing doing behind us there; it is perfectly quiet at present.

2944. Mr. *Goldney.*] I do not understand what advantage the judge can have from old wills in probate disputes?—The old wills are produced on trials.

2945. I am speaking of the Probate Court?—I think there is a little misapprehension there as to what I have said. I do not mean that the old wills themselves are the principal things which make it necessary for us to be near the judge, but the attendance of the clerks who keep the papers which belong to the court is necessary, and they are in the registry.

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2946. If the registry could he in the care of others, how many Registrars are necessary to attend upon the Probate Court?—One at present.

2947. Are there any instances in which you have had any of those wills, of 100 years back, before the Probate Court?—Numbers of instances.

2948. Have you had any before 1800?—Yes.

2949. On what occasion?—When there are applications for administration, raising a question of pedigree; a question as to who is to have the administration arises; and you go back and trace the families, and trace the interest; we have it constantly.

2950. How many times in a year?—I should say there was never a week passed without looking up wills before the year 1800.

2951. But how many times a year are they wanted to be produced in court?—I do not know that they are produced in court; they are produced in other courts, at assizes and so on.

2952. But are there not more old wills carried to the assizes than are carried to the Probate Court?—There are more wills used in the Probate Court in the registry, but not in the court itself.

2953. Are there more wills used in the assize courts than in the Probate Court itself?—Certainly, of the older ones.

2954. Then why do you say that it is an advantage or a necessity, that the old wills should be deposited near the court?—They must be in the registry, and the necessity is that the registry should be near the court.

2955. How does that operate with regard to the assize courts?—There are messengers sent down to attend with those old wills.

2956. And you say that this occurs more frequently in the Probate Court?—Certainly, so far as that goes; but the Registrars are the Registrars of the Probate Court, and the officers are the officers of the Probate Court; and consequently the necessity of our being near arises from the offices of the judge being in the registry and not close to his court; that is the main difficulty.

2957. What I want you to show is the greater necessity of the wills being near to the Probate Court than near to the assize courts?—There would be an attendance with them just the same.

2958. Then if that is the case, there does not exist any necessity, does there, for the wills being deposited in the same building as that in which the court is held?—They never have been, and never would be. The building in which the wills are, is a detached building by itself, and it has always been so.

2959. But is it material whether that is a quarter of a mile or 10 yards from the court?—Not in itself, but in reference to the officers who are obliged to be close to those wills, it makes a very material difference.

2960. But you say that only one registrar attends the court?—One registrar attends the court. There is also the clerk of the papers who has all the court papers in his custody; he is in the registry, and the judge cannot see any one of those documents without sending from Westminster to us to get them.

2961. But does he practically want any more than the more modern papers?—Occasionally it is so.

2962. But it is very seldom, is it not?—I should think that it was very seldom.

2963. Do you see any practical difficulty, supposing that the Probate Court is brought into connection with the other courts in the place for depositing the wills being also there; what is the great practical advantage, independently of the registrars being near the judge?—The way in which the business is done is, that the registrars preside over the common form business; the ordinary business of granting probates and letters of administration. For that purpose, they need all the clerks of the office around them, and the registrars need access to all the wills also. Several of these clerks have to do with court business, and therefore want access to the judge. In regard to the ordinary business also, in every case upon which we need advice and instruction, we have to go to the judge to get it.

2964. But not during the sitting of the court so much?—We cannot do it now; we are obliged to do without it.

2965. I am now talking of this large mass of wills before 1800; there can be no use in their being close to the court, can there?—It would be exactly the same as it is now. If they were wanted, they would have to be looked up and attended with, as they are now attended with.

2966. But would they want to be nearer the court than the papers in the Record Office, for instance?—I cannot say; I do not know the nature of the business there sufficiently.

2967. Mr. *Beresford Hope.*] I understand you to say that wills would be useful for all the courts as well as for the Probate Court?—Certainly.

2968. Then do you consider that there would be any advantage in having the wills not only accessible to the Probate Court, but accessible also to the other courts of Law and Equity?—I do not think that there would be, and the reason of that is this: that when they are attended with in the other courts, they are only attended with in order to supply evidence. They are looked up and those are attended with exactly in the same way as they are attended with at our court, and therefore it is only a question of the distance of carrying them, and I do not see that that would make any difference; but in regard to the common form business, they are looked up in a different manner. The common grants of probate and administration are without the intervention of the court itself, done in the office by the registrars.

2969. Then it is your opinion that it is desirable that the depository of wills should be near the Probate Court; but that it is not so essential that it should be near the other courts?—Quite so.

2970. What do you think of the proposal of the Government, to have the Court of Probate either in Carey-street or in Howard-street, and to leave the wills where they are, in Doctors' Commons?—I see no objection to that; we are doing that at present, and we can carry on the business perfectly well.

2971. But you just told me that it would be desirable to have the wills near the court; how do you reconcile those two answers?—It would be much more desirable, in order that our business should work perfectly, to be close to the court, but at the same time, we have carried it on for ten years in the best manner we could, and we are ready to continue to do so.

2972. You

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2972. You put it in this way: you have scraped on for ten years, but you could do it better if the depository for wills were near to the court?—Quite so.

2973. Do you consider the character of the older buildings at Doctors' Commons to be satisfactory?—Not at all.

2974. Neither in appearance nor in repair?—To the appearance I am really quite indifferent; I have never thought of that.

2975. Have you considered the danger of fire there?—It is very great no doubt.

2976. I suppose that there are actually no precautions against fire at all in the present buildings?—We have water laid on, and pipes, and buckets, and engines, and all things of that sort, and persons instructed to use them; but what might happen if there was a fire I cannot say.

2977. One spark might set it all in a blaze, might it not?—To be sure.

2978. And would not the loss of documents be irreparable?—Perfectly so.

2979. Both to private interests and for national objects?—Quite so.

2980. Then would you consider that it would be of extreme importance that somewhere or other a fire-proof repository should be built for the wills?—Certainly; I should consider it most desirable.

2981. *Mr. Chancellor of the Exchequer.*] Have you ever considered the capacity of the Victoria Tower as a place for keeping wills?—No; I do not know as to that.

2982. Mr. *Layard.*] Have you any objection to a tower as a place in which to keep wills?—Not the slightest.

2983. Do you think that if a tower could be erected on the Embankment site, that would answer the purpose?—Perhaps I may say this, if I may be permitted to state my own idea: supposing that a conclusion were come to that it were desirable to adhere to the Carey-street site for the Courts, it does not at all follow but that a very splendid building might still be erected on the other site. I will take the architect who has succeeded so well, Mr. Street, and if that site were put in Mr. Street's hands to make a registry for us, so as to correspond well with Somerset House, and to place us on such a height of the Embankment as might suit properly, if he threw up a tower or anything else, so as to make a beautiful building there, we are in a situation perfectly able to pay for it. All that is wanted is for about 40 years an extra fee of 1 *s.* on every 100 *l.*, releasing from that liability all estates which are sworn under 100 *l.* Take 2 *s.*, for example, out of the estates which are sworn under 200 *l.*, and 3 *s.* out of those which are sworn under 300 *l.*, and so on. By that means you would get an income of 45,000 *l.* a year. Now 45,000 *l.* a year would be quite sufficient to raise a sum equal to anything which could possibly be wanted by the Court of Probate. It is very simple, and it would be a proper application of the money, and it would be felt very little. An estate sworn under 1,000,000 *l.* would only have to pay an extra 500 *l.* Now 500 *l.*, in addito the 14,000 *l.* which is now paid as probate duty, would really not be felt. Whether it was 14,500 *l.* or 14,000 *l.*, it would make so trifling an addition that even in the very largest estate it would amount to little, and in the smallest estate you would not be able to appreciate it at all.

2984. Mr. *Goldney.*] Have you ever considered whether such a cost as that would not be greater than the value of the wills before 1800, supposing that all the wills before 1800 were destroyed, do you not think that individuals would gain by that?—I am afraid that, if I were to say so, I should be called a Vandal, or something of that sort.

2985. *Mr. Chancellor of the Exchequer.*] You say, "We are in a condition to pay for it;" who are "We"?—I mean the Court of Probate, if the Government were to sanction such a fee being imposed.

2986. The tax on probate is at present carried to the account of the public revenue, is it not?—Just so.

2987. If you added a little more to it, whose property would that be, do you think?—Certainly that of the public; but I mean that it would not interfere with any other public money. It would be a charge which would cease of itself when it had done its work.

2988. Mr. *Beresford Hope.*] Do I rightly gather that you think that if the courts were in Carey-street, and the depository of wills were in Howard-street, they would be near enough to each other?—Quite so; and that would be the very best arrangement next to putting us all together, because it would be so very near that I do not think it would very materially impede our business.

2989. Sir *William Tite.*] You have very naturally suggested that Mr. Street, with his talent, could at once put a building on the Thames Embankment to accommodate your court, and all your records, which might be a credit to your site, and not be inconsistent with Somerset House; *mutatis mutandis,* is there any reason why the court should not be on that site, and your less important building upon the Carey-street site?—Not the least in the world.

2990. That has been suggested a good many months ago, has it not?—Yes.

2991. Did you ever object to it?—Not in the slightest.

Mr. James Pennethorne, called in; and Examined.

Mr. *J. Pennethorne.*

2992. *Chairman.*] You are acquainted with the land possessed by the Government in Great Knight Ryder-street, are you not?—I am.

2993. Have you had to deal with it professionally, and have you put up buildings there?—Yes.

2994. Am I right in thinking that there are some new buildings there lately completed by you?—Yes.

2995. What is the extent of the land in the possession of the Crown on that site?—The land which the Crown at present possesses is all covered with buildings. There are 8,105 superficial feet covered with very old buildings, so old that they will scarcely stand. There are 5,045 feet of new building erected entirely within the last eight or nine years, and there are 1,690 feet covered by two very old houses which are held on quarterly tenancies from the Metropolitan Board of Works.

2996. I need hardly ask you whether that site is very valuable from its position?—It is, of course,

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course, a very valuable site (*the Witness produced a plan and described it*). The ground that is covered with old buildings is on this plan marked by a brown line; the ground which is covered with new buildings is coloured red; and the two old houses which are occupied on a quarterly tenancy are coloured blue.

2997. Has any land been recently purchased there on behalf of the Government?—Part of the red land has been purchased.

2998. Mr. *Hunt.*] What is the land bounded by the green line?—That is vacant land belonging to the Metropolitan Board, formerly the greater portion of the College of Advocates.

2999. Lord *John Manners.*] Will you tell the Committee what is the extent of the ground marked green?—The extent of the ground marked green is about 27,500 feet.

3000. You have stated that about 8,100 feet of ground is occupied by very old buildings; will you have the goodness to tell the Committee what is the actual condition of those buildings, as near as may be, in which we understand the business connected with the Registry is now carried on?—Every one of those buildings except, perhaps, the search-room, which is not quite so bad, is in such a state that we could scarcely expect to keep them together or uphold them when the alterations were made; they are in such a state that they ought to be pulled down when the present occupation ends.

3001. Will you explain to the Committee the position of the new street with the railway underneath it *quà* those buildings?—The new street, as shown by that plan, passes south of the buildings, directly in front of the search-room.

3002. Will you inform the Committee at what altitude it passes with respect to the search-room?—So far as I can ascertain, the level of the foot pavement of the new street will be three or four feet below the bottom of the foundations of the present building.

3003. And below the level of the new street is there to be a railway?—Yes, and the probability is that the bottom of the railway will be from 25 to 30 feet below the present foundations of the search-room.

3004. The present foundations of those ricketty old buildings?—Yes.

3005. Can you tell the Committee at what distance from the foundations, the foundation of the railway will be?—At the west end of the search-room the street almost touches them, and at the east end, I think, they are about five or six feet distant; and the railway will probably be under the centre of the street.

3006. You are conversant with those buildings, and probably with the nature of the business transacted in them; in your opinion is it requisite for the due transaction of the business which is carried on there, that there should be an ordinary amount of quiet and absence of vibration in the building?—The search-room is the building which is nearest to the street, and I think it is a matter of consequence that it should be free from noise and vibration. (*The Witness produced to the Committee a section of the front wall of the building, with section of the railway, and described the same.*)

3007. Are you conversant with the nature of the professional evidence which has been given before Lord Elcho's Committee, upon the subject of vibration arising from railways?—No; I did not hear it.

3008. Would you yourself be of opinion, that in order to check vibration from a railway it would be desirable that the foundation of a building in immediate proximity to the railway should lie below the foundations of the railway?—It would be a great advantage that it should be so.

3009. In this case, we understand from you that precisely the opposite result would ensue?—Yes.

3010. Here the foundation of the railway would be greatly below the foundation of the old buildings, would it not?—It would be greatly below the foundations of the old buildings, and it would be also below the foundations of the new buildings.

3011. Therefore, in either case, if the view taken by eminent engineers is correct, that it is necessary, in order to prevent vibration, to have the foundation of the building greatly below the foundation of the railway, we may assume that in this case that there will be very considerable vibration?—Yes.

3012. You have told us the extent of that ground; are you able to give us an approximate estimate of its value for sale?—Of course it is difficult at the present moment to value such a property. All the part occupied as old buildings I could only value as ground at the end of the present occupation; but taking that view of it, and supposing it now to be put into the market, I think that the entire property would sell for probably 55,000 *l.*

3013. Do you mean the property already in the possession of the Government?—The property already in the possession of the Government, both old and new together.

3014. You have spoken of the houses, I think, which are at present the property of the Metropolitan Board, but which are leased for a short time to the Government?—Yes; they are not held upon lease but they were let a few years ago to the Board of Works for the Probate Court upon a quarterly holding.

3015. In the event, therefore, of the Probate Registry Office being retained upon that site, at the end of a year or two the Government will have no property in possession for the future increment of this department, will they, unless they purchase fresh ground?—Not unless they purchase, of course.

3016. They will be deprived of those two houses which they now enjoy, will they not?—They may be deprived of them.

3017. You now have had considerable experience of the wants of this department; are you of opinion that, looking forward to the future, if the department is retained on this site, it will be necessary to make fresh purchases and to erect fresh buildings?—Yes; when the question of the Law Courts first came forward upon the Carey-street site, it was necessary that I should consider the extent of ground required for the Probate Court; and, upon the plans which were then made by me for an independent building for the Probate Court, 40,000 superficial feet of ground were found to be required for the courts and registries for the depositories, and for the entire department.

3018. Supposing that it is decided to place the Court of Probate, with the Judges' Chambers, on either the Carey-street site or the Howard-street site, and to retain the Registry and the Wills on the Great Knight Ryder-street site, what additional ground, in your opinion, would have to be acquired

acquired in the course of a few years for the due discharge of the duties of the Registry on the present site?—On the present site, taking 40,000 superficial feet as the quantity necessary, you will find that the ground inclosed within Addle-hill and Great Knight Ryder-street and Bennett's-hill and the new street, contains 40,000 feet; and, therefore, it would be necessary to take the whole of that square if the court were to be established there.

3019. Supposing that the court is not there, and that the Registry and offices are still retained there, what additional ground would have to be acquired?—I have not made any calculation of that, but it is possible that the area required would be reduced from one-fourth to one-sixth.

3020. But, whether the court is retained there or not, are you of opinion, from your knowledge of this department, that a very considerable proportion of the present vacant ground marked green would be required for the purposes of the registry?—Yes.

3021. Have you estimated roughly the value of the vacant ground coloured green?—The vacant ground coloured green is a considerable portion of the College of Advocates Estate, which was purchased by the Metropolitan Board of Works for the new street; and for the entire of which they gave 85,000 *l.*: and probably for this portion coloured green, 85,000 *l.* would be asked.

3022. Mr. *Layard.*] What was the area of that property?—The total area, as purchased for 85,000 *l.* was 35,500 feet; that is very nearly an acre; it is more than three-quarters of an acre.

3023. Lord *John Manners.*] You have told us generally the condition of the existing houses; are you able to tell the Committee at all what is their actual age?—I believe that they were all built directly after the fire of London.

3024. Can you tell the Committee the state of the accommodation afforded to this important department in those old houses?—The accommodation in the old houses is extremely bad; I do not know any office in London in which it is so bad; the accommodation in the new building is good.

3025. The new building, as I understand it, ranges with the new building of the Bible Society, which is a handsome new large structure?—Yes, it was finished about 12 months ago.

3026. If, therefore, it is necessary to increase the property of the Government on that site you would look to extending it on the east and not on the west, would you not?—You would be compelled to extend it eastward.

3027. Then, may we take it from your evidence, that if the Probate Registry is retained on the present site, all the old buildings will have to be pulled down and rebuilt, for the reasons which you have assigned; and that, in addition to that, the future requirements of the department will necessitate a considerable purchase of land, and the erection of new buildings upon that purchased land?—Yes.

3028. Sir *William Tite.*] I suppose that in any event those old buildings must be rebuilt?—They must be rebuilt.

3029. And if they are rebuilt you can put the foundation in, consistently with the altered state of things, can you not?—Of course.

3030. With regard to vibration, if the search-room is inconveniently placed there, I suppose that with so large an area as 8,105 feet, you could so arrange it as to put it out of the way of the vibration?—Yes. All the new buildings could be carried down to the requisite depth; but those new buildings which have been built could only be so carried down by under-pinning.

3031. They must be under-pinned; there is no difficulty in that, is there?—There is only this practical difficulty, the Metropolitan Board of Works are bound by their agreement to make good all damage, and the wall of the present search-room is so old that in attempting to under-pin it may fall.

3032. But you say that that is all a ruin; why should they not all be rebuilt at the same time?—That would depend entirely upon whether they remained there; and upon the convenience of the office.

3033. Mr. *Layard.*] When the Metropolitan Board and the railway company obtained their powers from Parliament, were any conditions made as regards the existing building of the Probate Court?—No; but afterwards when we had to negotiate with the Metropolitan Board of Works, they took from us a strong room, and we took from them land in exchange; and in that exchange a condition was inserted, that they should make good all damage of every sort or kind done to the old buildings.

3034. But when a Bill is going through Parliament for the making of a new street or railway, and that new street or railway injures a public building, is it not the custom to appear before a Committee, and to give evidence in opposition to the Bill?—I do not recollect that it was opposed in any way; the property was not within the line of deviation, and there was no *locus standi.*

3035. Lord *John Manners.*] You have told us that it would be possible to place the foundations of the new building on a site below the foundations of the railway; but I think you added that that would be expensive?—Of course it would add to the expense, considerably.

3036. Can you tell the Committee how deep it would be necessary to put the foundations of the new buildings, in order to prevent vibration?—I should say, probably, 15 feet below what we otherwise should do.

3037. Mr. *Beresford Hope.*] Is the property on which those dilapidated buildings now stand valuable property?—Yes, very valuable as building ground.

3038. Supposing that it were to be decided to place the depository of wills elsewhere, do you think that you could sell that ground for a considerable sum?—The entire property could probably be sold for 55,000 *l.*

3039. Which of course would stand to the good as regards the larger buildings in Carey-street or Howard-street?—Yes.

3040. As an architect, I suppose, you consider the present buildings dilapidated and dangerous?—Very much so.

3041. Do you consider the risk of fire considerable in them?—In all the old buildings there is a very great risk of fire; there is not that risk in the new building, and especially so in the new strong rooms which have been built fire-proof.

3042. May I ask how far does the new building serve its purpose; what per-centage of the

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wills of the country are put in the new building? —That I cannot tell; all I know is that they occupy about 50,000 cubic feet of space.

3043. Does the 55,000 *l.* cover the sale only of the old buildings or of the old buildings and of the new ones?—The entire property old and new.

3044. *Mr. Chancellor of the Exchequer.*] Are you acquainted with the interior of the Victoria Tower?—I have never been up it.

The Right Hon. GEORGE WARD HUNT, a Member of the Committee; Examined.

Right Hon. *G. W. Hunt,* M.P.

3045. *Chairman.*] WE understand that there is a statement which you are anxious to make to the Committee; will you proceed to make that statement?—It is only with reference to the financial scheme which appears in the proceedings of the Courts of Justice Commission. There was a meeting on the 23rd of July of last year, at which I was present, and a sub-committee made a report, in which they presented a financial scheme which appears on our papers. The report of the sub-committee was received, and the statement was directed to be sent to the Treasury. The question arose at the Treasury, whether by having been present at the meeting, I had endorsed that financial scheme. I stated that I did not consider myself answerable for it in any way, and that though I was present at the meeting at which the report had been received, I had had no opportunity of sifting it; and I stated that I wished it to be examined departmentally. That was accordingly done. Mr. Forster, the principal officer of the finance division of the Treasury, was instructed accordingly to examine the financial scheme, and I hold in my hand a memorandum which he prepared, relating to that scheme. The present Chancellor of the Exchequer has allowed me to obtain access to this memorandum, and I should request that it might be placed in the Appendix. The memorandum is dated the 23rd of October 1868 (*the same was delivered in,* vide *Appendix*). My impression is, that I gave verbal directions that it should be incorporated in a Treasury Minute, and that it should be forwarded to the Courts of Justice Commission as the commentary of the Treasury upon the financial scheme: but I cannot find that there is any note or memorandum made of that direction. At all events, my intention was that that should take place. If the Committee will observe the date, the 23rd of October, they will see that it was very near the time of the elections. Shortly after having had this paper put into my hands, and examining it and approving of it, I went away for my election, and after the election, as the Committee are well aware, a change of Government took place. The consequence was, that nothing formal took place upon the matter, and of course the present Government, wishing to make an entire change with regard to the scheme, did not take the matter up. But I merely wish it to be put upon record that the late Government and the late Board of Treasury, and myself in particular, did not consider themselves responsible for the financial scheme which was sent from the Courts of Justice Commission to the Treasury, and that but for the change of Government, their objections to it would have been put upon record in the usual official manner.

3046. You had not, as I understand, an opportunity of formally expressing the objections which you entertained to the adoption of this scheme?—No. After the letter came from the Commission to the Treasury, a Treasury letter, signed by Mr. Sclater-Booth, was sent to the Commission, and that letter, which dealt with some other parts of the communication, stated that the financial part of the matter would be dealt with hereafter; it was never dealt with thereafter, by reason of the change of Government, but that paper was the preparation made for so dealing with it.

3047. Mr. *Chancellor of the Exchequer.*] That paper virtually repudiates the idea of there being any special fund applicable to this purpose, does it not, and treats the whole question of funds as a matter of the general revenue of the whole country?—I believe so. I have not refreshed my memory with the paper now, but I was satisfied with the views put forth in that paper at that time, and I was prepared to endorse them.

Mr. GEORGE POWNALL, called in; and Examined.

Mr. *G. Pownall.*

3048. *Chairman.*] I NEED hardly ask you, whether you are a surveyor?—I am an Architect and Surveyor.

3049. You have been employed, I think, by the Incorporated Law Society in connection with the question of the site of the new Courts of Justice, have you not?—I had to advise them what would be the cost of acquiring a site necessary to carry out Mr. Street's design for the Embankment site; those were my instructions.

3050. And you have made an estimate accordingly, have you not?—I have rendered that in a report to the Incorporated Law Society.

3051. Have you that report with you?—I have the draft of the report here, but I think it is in print.

3052. Can you state what are the general conclusions arrived at in that report?—I can. I have, of course, taken Mr. Street's report, and his plan, as representing what he considers would be necessary to be acquired for the site for his courts; and I estimate the cost of acquiring all interest upon that plan at 812,415 *l.*; that is inclusive of the purchase of the whole of the property on the east side of Essex-street to the Strand, as far as Twining's Bank, which I observe Mr. Street in his report states to be absolutely necessary.

3053. You have also surveyed the Carey-street site, have you not?—I have.

3054. Have you formed any estimate of what would be obtained for it in the event of its being determined to sell it again?—Yes; I consider that after providing for all the expenses of negotiating and letting that land, and getting the ground

ground rents clear, the value of the land is 364,320 *l.*

3055. The land having been bought for a sum of about how much?—£. 760,000 and a little more.

3056. Then, in round numbers, you would calculate upon a loss of 400,000 *l.* by re-sale?—About that; I assume that it would be let in the ordinary way for shops and offices, and so forth.

3057. Have you heard it stated that various offers have been made for this land?—Yes; I was requested to read Mr. Hunt's evidence, and I have had an opportunity of speaking to him upon the subject, and I understand that he has an offer of 3 per cent. upon the cost. I have no answer to make to that. There may be persons found who can give that rent, but I should not like to undertake to get it. That is all that I can say, but he may be right.

3058. You do not doubt the fact of such an offer having been made?—I cannot.

3059. You do not like to say that such an investment would not be lucrative?—I should not like to say that; a great railway company, for instance, desiring to come to that particular spot, may be willing to pay the price which they would have had to pay if they had bought it under an Act of Parliament; but if it is to be let in the ordinary way, laying it out as streets for shops and offices, and reverting also to the fact that the ground rents of the property, even as I have put them, are very high in proportion to the rack rents, and that, therefore, they would produce a lesser number of years' purchase in the market than ground rents usually do. I think it is a very high rent, though I cannot say that it could not be obtained.

3060. I think you have also expressed an objection to the plan by which it is proposed to throw out the buildings in advance of the line of Somerset House to a distance of 50 or 60 feet?—I have; I think it would be very objectionable. I was consulted by Mr. Cowper, the First Commissioner of Works, at the time that this great work was in Parliament, and I remember very well that great pains were taken, not only in the interest of the Duke of Norfolk, who met us most fairly, but in the interest of the public, to get a uniform line of building from the south-east corner of Somerset House to the south-west corner of the new library. It was thought that that was a building line which would harmonise very well with the general line of the Embankment wall, and, in fact, at present, without that part of the Embankment Act being repealed, no building could be erected beyond that line. There is a special clause in that Act prohibiting the erection of any building before the particular line which was laid down on a plan signed by Mr. Cowper, I think, as First Commissioner of Works.

3061. As a matter of fact, I believe it is not proposed to build upon any part whatever of the land reclaimed by the Embankment, with the exception of this one plan?—No; of course I cannot tell what was passing in the minds of the Committee in 1862; but I think that there was a general feeling and impression that this land should be laid out as recreation land for the mass of people who occupy the houses between the Strand and Holborn.

3062. Mr. *Layard.*] Are you aware whether the proposed building, according to Mr. Street's plans, would take away from the ornamental and open ground?—I have only the very small plan which is attached to his report, and my impression is that it would. It is quite true that a portion of that land was to be appropriated to roads of approach to the Duke of Norfolk's estate, but a portion also was to be used as a garden.

3063. Then you are not aware that in a statement made by the sub-committee of the Royal Commission, it is stated that Mr. Street's building, instead of taking away from the ornamental ground, would add to it?—I am not.

3064. Are you an architect?—Yes.

3065. You have had, I presume, a good deal to do with Mr. Hunt in matters of business?—Yes.

3066. Have you always found him accurate in his statements?—Yes, most accurate; I may state at once that if I found myself differing very materially from Mr. Hunt in an estimate I should desire to revise my own estimate before committing myself or anybody else; in fact, if you look at our estimates you will not find any very material difference; I find that I have included three or four houses in the accesses which he did not, and my estimate for the value is 812,000 *l.* If you deduct about 20,000 *l.* from that, you have his estimate of 750,000 *l.* for the whole, as against something under 800,000 *l.*

3067. That is the opening of Essex-street?—Just so.

3068. Therefore you agree?—There is no material difference; there is 5 per cent.; and honourable Members of the Committee must know perfectly well that in estimating for these public works beyond the value of the property, there is only one safe way of protecting your employer, and that is to put on a considerable sum, so as to meet the claims which are made by skilled counsel and skilled witnesses.

3069. Your calculation as to the Carey-street site, given to-day, is, of course, taken upon the supposition that that site is not to be improved by the removal of its surroundings?—Clearly; I have put such a value upon it as I think I could obtain if the Government were to put the property into my hands to deal with at once.

3070. But supposing a great public building, such as the Law Courts, were erected on the Howard-street site, would not that have the effect of increasing the value of that land?—There can be no doubt about that.

3071. Mr. *Mowbray.*] Then that increased value could not be realised until the courts were erected, could it?—Certainly not.

3072. There would consequently be a loss of interest, would there not?—There is always a great deal of money in this country in the hands of speculators, and I cannot tell when they would begin.

3073. Lord *John Manners.*] Has your attention been directed to the incline of Essex-street?—Yes.

3074. Can you tell the Committee the steepness of that incline?—I think the Committee could probably get that more accurately from the architectural clerk to the Commission, but I know both the gradients are very bad. Of course if the Committee, adopting the Embankment site, should think it right to put the building back to the building lines settled in 1862, then there would be a great increase in the estimate; again, if the Committee thought that the street to the west of the courts, which I think is only about 22 or 24 feet wide, was of insufficient width, so that the

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the courts had to be pushed more to the east as well as to the north, then again there would be a considerable increase in the cost.

3075. Will you have the goodness to give the Committee your opinion as to the advisableness of having on the west a street of the width which you have described?—I do not believe that it would ever be executed.

3076. Are you of opinion that if the building is placed upon the Howard-street site it would be certainly expedient, if not necessary, to have a street of greater width than 22 feet?—I think it would be absolutely necessary. I have a plan here which is quite at the service of the Committee if the Chairman thinks right, showing the plan of the courts on the Embankment site as prepared by Mr. Street (*producing a plan and describing the same*); it represents exactly the plan as adopted by Mr. Street. The brown colour on this plan represents the site shown in Mr. Street's plan and report; the red shows the plan which I venture to submit to the Committee as the proper one, if they adopt the Embankment site; that would leave a street about 50 feet wide at the west end, but it would, of course, throw the building to a corresponding extent more to the east, and so compel taking of a part of the Temple Gardens, and diminish the surplus land, which forms an element, of course, in my estimate.

3077. Mr. *Layard.*] Would not that be more expensive?—Certainly.

3078. Mr. *Beresford Hope.*] That would also involve taking more land at the north, would it not?—Obviously.

3079. Mr. *Goldney.*] What do you estimate would be the value of that land to the north, which would be necessary?—I should say that, supposing it is not moved to the north, and that this street is made from the Strand right down to the Embankment corresponding to Essex-street, there would then be an addition of 40,000 *l.*; and if the building was moved north, then the additional estimate would be 120,000 *l.*

3080. Is that in addition to the 40,000 *l.*?—Yes.

3081. And in addition to the further sum you gave for purchase?—In addition to the sum I gave; I should say, moreover, that I do not know what the views of the Metropolitan Board are; I cannot speak with any confidence on the subject; but I do not suppose that they will give up an acre and a-quarter of land without being paid for it.

3082. That land, which is at present on the Embankment, is vested in them under the Act, is it not?—I think it is, in the First Commissioner of Works.

3083. Mr. *Layard.*] But why do you consider it necessary to have a wide street on the west side?—Mr. Street, himself, makes one of the important openings from his grand hall into such a street; and if you look at the map of London, you will find that the great mass of people, jurymen, counsel, and witnesses, would come from the north-west of London. If there was a tolerably good street, they would surely come down this street into the hall; I do not mean to say that they would have any very great distance to go if it was not made.

3084. Do you know what is the width of Bell-yard?—I have spent so much of my life in it, that I know it well; I do not think it would be more than 12 feet.

3085. Are you aware of the width of the street which it is proposed to make on the east side of the Carey-street site, supposing the Law Courts to be erected there?—No, I am not. I find in Mr. Street's plan, that he does, out of the land already acquired, improve those streets, without any further purchase, though to what extent I do not at this moment recollect. They are none of them handsome streets, but they are sufficient.

3086. Lord *John Manners.*] You have given 812,000 *l.* as your estimate for the purchase of all interests on the Howard-street site, inclusive of Essex-street; does that include or exclude the vendor's costs and preliminary expenses?—No; that is simply the cost of acquiring the property; I should have to add something, I expect, to that amount for that purpose.

3087. From your experience, could you give the Committee any hint as to how much it would be wise to add to that 812,000 *l.* for the other necessary incidental expenses?—My opinion would not be worth a farthing on that point.

3088. Mr. *Cowper.*] How much of the reclaimed land does Mr. Street's plan take for building purposes?—I think it is over an acre, but my impression is that it is under or about an acre and a-quarter.

3089. Do you think that there will exist in the public mind a good deal of objection against taking land which was intended for recreation ground by the present Statute, and employing it for building purposes?—I think so; and, independently of that, as an architect, and taking some interest in such matters, and having travelled a good deal, I think that the objection, apart from that, is very strong to placing this building as Mr. Street proposes. I think there would be a great objection in the public mind to the land which was intended as recreation ground for the public being appropriated to building purposes; but I think that, apart from that, it would be extremely objectionable in an æsthetical point of view (to use that term) to project this building before the line of Somerset House.

3090. And you think that the building itself would suffer more by being placed at a lower level, as it would be on the reclaimed ground, than it would if it were built upon the existing site?—That depends very much upon the manner in which it is treated; it is quite clear that, treated as Somerset House has been treated by Sir William Chambers, we have scarcely any more effective or finer building; he has taken advantage of the difference in level to make that noble terrace; Mr. Street is a man of great talent, and I dare say would so deal with his design as to produce a very satisfactory building.

3091. But I understand you to mean that he would be able to produce a building that would interfere less with Somerset House if it were put farther back?—Certainly.

3092. When you calculated the produce of the re-sale of the Carey-street site, did you allow for a very great competition being created by that sale on the part of persons who would wish to provide chambers for persons of the legal profession?—I scarcely understand the honourable Member's question; but I should suppose that if the Courts came here the Government would want to get rid of the land, and they would put it into some man's hands and say, "Lay it out, let it, and sell it"; and I suppose the

the sum I have mentioned would be produced; no doubt if it was kept, and the Courts were built on the Embankment site, probably a greater price would be obtained.

3093. From your experience of the amount of houses which are available for legal chambers, are you of opinion that this site would become valuable independently of all other purposes for the sole purpose of providing chambers in which solicitors and barristers might live, assuming the Courts to be placed on the Embankment site?—I think the land would be extremely valuable for the purpose, and it would be sought for for that purpose.

3094. Do you think it probable that those already provided with chambers in other parts of the town would be likely to leave them to come and occupy new chambers on the Carey-street site?—That would very much depend upon their practice in the courts; of course, a great many of the largest solicitors in London have very little to do with the courts, and they would not remove, whereas others, who had a great deal to do in the courts, would in all probability avail themselves of the opportunity of removing.

3095. In the course of your purchase of the Carey-street site, you had, I suppose, to dispossess some solicitors who occupied chambers in Carey-street; have you an idea that they had any difficulty in finding other places to occupy?—I have not pursued that inquiry at all; I think one firm, Messrs. Burnett & Newman, had very great difficulty; they were solicitors of very high reputation and position; and I think their being turned out was a great trouble to them, and they had some difficulty in finding a house suitable to their purposes; in fact, they built one in Howard-street, which, if these courts come to Howard-street, will be taken down, and they will be turned out again.

3096. But I understand you to say that you do not anticipate the sale of that Carey-street site, if it no longer be used for the courts of justice, will occasion a large expenditure to be made upon that site for the purpose of legal chambers?—I think it will depend entirely upon the fact of the courts being placed on the Embankment site; if the courts are placed there, I think it will be used exclusively for chambers; if not, then I think it will not.

3097. Earl *Grosvenor.*] I suppose you attribute this loss of 400,000 *l.* on the sale of the Carey-street site partly to the very bad existing surroundings, that is to say, to the low character of the surrounding houses, and the absolute want of approaches to that site?—It partly arises, no doubt, from that fact; if the approaches were improved the value of the land would be improved also; but in point of fact, the rental, as well as the capitalised value of the land, is very much diminished, from the fact, that so much of that which is purchased from the Government has to be abandoned for streets; it was a district unlike anything I have ever seen in London, there being 7½ acres of houses without a single street; in laying out that land for offices, or any purpose, you would have to sacrifice a considerable space for streets, and there would be a great loss in consequence; but no doubt the low character of the surrounding houses would affect it very much.

3098. And I suppose that that evil in the end would affect a large public building, if built upon the Carey-street site, to a certain extent, would it not?—People are obliged to go and attend to their business wherever it may happen to be; it would not be so agreeable to those who had to go to the Carey-street site to go through Clare Market, and that wretched district, as through a fine street.

3099. I suppose, in your opinion, those low houses immediately round Carey-street site would have to be purchased in the event of the buildings being put there?—It would lead, no doubt, to a considerable improvement in the neighbourhood.

3100. Mr. *Watkin Williams.*] Supposing that we determined to build the Courts of Justice on the Thames Embankment site, would not that have an immediate effect upon the deserted site?—Yes; I apprehend that this great offer which has been made to Mr. Hunt is made upon speculation.

3101. You would not have to wait for the erection of the Courts of Justice upon the new site to add to the value of the deserted site?—I think, in one way or the other, those who are going to take this land would require time. They would not get their return until the Courts of Justice were built, and therefore they would expect Mr. Hunt, instead of charging them 3 per cent. at once upon the purchase-money to make it a growing rent, the extent of that growrent being dependent upon the time at which they might fairly expect the Courts to be built.

3102. Do you know whether or not in the Temple there is a very great want of accommodation for chambers and offices?—I have heard that both in the Temple and Lincoln's Inn there is a very great want.

3103. So that if the Courts were built upon the Thames Embankment there would be an immediate demand for a fresh site for the erection of chambers and offices?—I have already stated that that, I apprehend, would be the way in which that land would be appropriated.

3104. Mr. *Goldney.*] I take it that you have given your view upon your general experience, without reference to any special questions?—Quite so.

3105. And I understand that, from your general experience, you are of opinion, taking all the circumstances into consideration, that 364,000 *l.* is the utmost that the Government could expect, adopting the best and most advantageous mode they could?—That is my impression.

3106. How long did it take you to obtain the Carey-street site by purchase?—I began the purchases in November 1865, and the bulk of the purchases were completed by the end of 1867 and the beginning of 1868; but there were remnants. Of course the solicitors were, as they always are, necessarily, behind the surveyors. It takes them much longer to investigate the title of a house than it takes me to purchase it, and they cannot begin until I have done.

3107. Until you have completed your arrangements, either by an agreement or before a jury, or by a reference, the solicitor's work, as regards the title, does not commence, does it?—No.

3108. Then it really has occupied something over three years to acquire the possession of the Carey-street site, has it not?—Yes; possession was taken of the last property, I think, about three or four months ago.

3109. You began, I think, in November 1865?—We began in November 1865.

3110. Looking at the question of the Howard

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street site in the same way, and assuming that it is necessary to take this larger portion at the north, how long a time do you think it would be before that site could be cleared?—The time would be considerably less, because, as I understand, there is only one freeholder, whereas on the Carey-street site we had, though I forget the exact number, I should think 150 freeholders. That necessarily took more time not only in treating with the different surveyors who represented the owners of the houses, but it took a great deal more time in investigating the title.

3111. And difficulties arise as to leasehold interests as well as to freehold interests, do they not?—Yes, great difficulties.

3112. Do you think it possible looking to legal questions as well as to surveying questions that the Howard-street site, if the Committee reported in favour of it, could be obtained under a period of two years from the time of the Act being passed?—I think not clear and ready for the purpose.

3113. The surveyors of course would not commence to treat until there was authority giving compulsory power?—Certainly not; I do not mean to say that it is impossible to clear it in a shorter time. I understand that Mr. Hunt has expressed an opinion that it could be done, and he has a great staff, and probably works more quickly than I could do.

3114. You are speaking from general experience as much as from the special experience of Carey-street, are you not?—Yes; it would be impossible to carry out a great work of that sort without a great deal of patience and consideration to people who have to make claims.

3115. Supposing that you hurried them very much, would not the result be that you would have to pay considerably more in coming to an agreement?—No doubt.

3116. That is to say, unless you took the ordinary time of negotiating and offering arbitration, or eventually going to a jury and dealing at the end before the jury actually went into the box, if you adopted a figure, you had to pay considerably more, would you not?—I think so.

3117. And your estimate is based upon proceeding in the ordinary way, as you have done in other cases?—Quite so.

3118. In reference to those buildings being projected beyond Somerset House, have you consulted any architect of experience about it?—Yes, Mr. Shaw was associated with me. In fact, he was one of the judges of design, and I had an opportunity of speaking to him upon the subject and showing him Mr. Street's plan. He was one of the judges who recommended that Mr. Street should be employed, and he, like myself, has a very high opinion of Mr. Street's genius and talent; but Mr. Shaw objects most decidedly to that.

3119. Does he take quite so strong an objection as you do to the projection of new buildings beyond the line of Somerset House?—Quite so.

3120. With reference to this question of realising the Carey-street site, if it was let out on ground-rents at 3 per cent., what saleable value would you place upon those ground-rents before any building was erected?—I do not think that if the Government were advised properly, as I dare say they would be, they would attempt a forced sale if they were going to let it, and could find persons to take it for building purposes; they would reserve the sale until the ground-rents were secured, and then sell them.

3121. What period of time do you think that it would take to cover an area of that kind?—That is extremely speculative; I cannot tell; four or five years, perhaps; it would depend very much upon circumstances; if this great speculator who proposes to take the land found that the courts were going on rapidly, he would then, as a matter of course, get on with his buildings.

3122. But apart from this great speculator, it would move in the ordinary way, would it not?—I should think so.

3123. Mr. *Russell Gurney.*] It is the invariable practice to wait until the building is raised and the ground-rents secured before you sell it, is it not?—Yes.

3124. What number of years' purchase would you reckon upon a well-secured ground-rent in that position when it was secured?—Those ground-rents, either the rents which I have put, or the still higher rents which those gentlemen must have put who are speculating, cannot be considered well-secured ground-rents.

3125. What do you consider a well-secured ground-rent?—A rent which is secured with a property of four or five times its value.

3126. Supposing that it is secured at four times its value, what number of years' purchase would you reckon?—25 or 26 years.

3127. Has it not gone generally up as high as 28 years?—I have known certain instances of ground-rents, when a man is buying the fee of his own house, going up as high as 33 years, and I believe that the Royal Commissioners are obtaining those prices for the houses in Prince Albert's-road; but then the rack-rents of those houses are some of them 10 times the ground-rent.

3128. But taking the City ground-rents, and the improvements carried on by the Corporation, have they not averaged considerably more than 25 years' purchase?—I cannot say what the average has been; all I can say is, that for a charity in Hertfordshire, upon the sale of a large estate they had in Kent, I have bought a considerable number of their best ground-rents for 25, 26, and 26½ years' purchase, and even higher. Those were in Cannon-street. Mr. Norton, who had the sale of the property, offered me another ground-rent for the same charity where the rack-rent was about three times as much; first he asked me 25 years', and then 22 years' purchase, but I did not think it safe.

3129. When was that?—I think it was upon the last sale of their ground rents.

3130. They did vary for a very considerable time, from 28 to 31 years' purchase, did they not?—They did, and I can quite understand now that a banker owning a great bank in the City, and having a reasonable ground rent, would choose to purchase it if he could at the price which you have named.

3131. Mr. *Beresford Hope.*] Looking at the matter as an architect, do you consider that the vicinity of so very squalid a quarter of London as Clare Market would be a detriment to the Law Courts, supposing they were to be in Carey-street?—If you put it to me, as an architect, I say again that it would be very objectionable; but the courts being placed there, parties must go to them; and I quite agree with you, that I should think they would carefully avoid

avoid Clare Market, and would go a great way round to get into the courts by a better road.

3132. Do you think that the proximity of those buildings would affect the wholesomeness and ventilation and general pleasantness of the courts?—I really cannot answer that question very decidedly; it would of course be a great improvement to get rid of it.

3133. Do you consider that that is the positive objection to the courts being placed in Carey-street?—I do not.

3134. As an architect, do you consider that the broken line to the west of the site is a detriment to the building, or could Mr. Street, using the resources of Gothic architecture, turn it to advantage?—I think that he is so great a master of Gothic architecture, that he would conquer any difficulty, always excepting the projection before Somerset House.

3135. You think that is the one unforgiveable sin?—Somerset House is one of the few buildings which we can show with satisfaction to foreigners, and with its terrace it is a very grand thing. I should be very sorry to see it interfered with; but independently of that, I object to the projection on the ground of its interference with the building line, which was really very carefully considered at the time when the Act of 1862 was in Parliament.

3136. Did it ever strike you that there would be another incongruity, inasmuch as Somerset House is a building on a basement, or architectural terrace, which is not a part of Somerset House itself, whereas the Howard-street Law Courts would be a building which went down to the lowest level of the ground?—I rather hope that Mr. Street will be able to show that a terrace will be so ornamental and useful that he will induce the Commissioners to place one there.

3137. Have you not observed that on that drawing he has placed no terrace at all, and that in the book circulated to the Members of the Committee he has given reasons against his Law Courts being on a terrace?—Upon that point Mr. Street has considered the question very carefully, I have no doubt, with relation to the accommodation and arrangements, whereas I have not done so, and therefore I should not presume to offer any opinion upon the subject.

3138. Do you consider that it would be either very difficult or very expensive to regulate the western line of the Carey-street building by some give and take arrangement with Danes' Inn, or otherwise?—I made a second estimate of acquiring Danes' Inn, with a view of making a give and take arrangement between Clement's Inn and the Commissioners.

3139. Do you think that the two sums would pair each other off, and that there would really be no great addition of expense to the country?—I am not prepared to answer that question. I have here all the details of my valuation of the additional land which was spoken of as to which the estimate was made in 1868. I have in the plan here subdivided, the cost of acquiring that land in the neighbourhood of Clare Market, and I shall be glad to put that in for the Committee to see. They will then be able to see how far all, or any portion of that land is necessary (*producing a plan*). This is the deposited plan for the land which you are now considering, and those different sums (*pointing to the plan*) are indicated by colours on the plan annexed. The honourable Member was just now speaking of a give and take line. It was proposed to buy the green part, which represents Danes' Inn with a view of making a give and take line here (*pointing to the plan*). But as I have taken the liberty of criticising Mr. Street's design, I must say that I think the design which he has made for putting the courts here is remarkably clever.

3140. Do you think that it would have a good architectural effect?—Indeed I do.

3141. Has it occurred to you, looking at effects, that the building on the Carey-street site would have a noble effect from the south of the Strand, standing, as it does, upon higher ground?—It would. I think that St. Paul's would be an equally fine building on the Thames Embankment; but it has a much finer effect on the plateau on the top of the hill, and this would have the same advantage.

3142. And especially, I suppose, if the Holywell-street block were removed?—No doubt.

3143. I suppose you would consider that the removal of the Holywell-street block would be a thing desirable in itself, like the removal of Middle-row, Holborn, quite independently of where the Law Courts may go?—Quite so.

3144. In point of fact, you recommend that as almost essential in a sanitary point of view?—I should like a street from north to south, through Lincoln's Inn; those would be metropolitan improvements, independently of the courts altogether.

3145. And you say the same of Essex-street now, I suppose?—Mr. Street, with perfect frankness, admits that it is essential.

3146. Are you aware that Lord Elcho's Committee on the Hungerford Bridge and the Thames Embankment has reported in favour of the widening of Essex-street, whichever site is adopted?—I have heard that.

3147. Do you consider that, according to Mr. Street's plan, Bell-yard might be widened, so as to be a sufficient artery?—Mr. Street, as I said before, has made his arrangements there very cleverly; but I think it would be absolutely necessary to take down the houses, not up to Chancery-lane, but between Fleet-street and the Law Fire Office, and to make a street there, in fact, 50 feet wide. That would cost 50,000 *l.*

3148. Are you aware that Mr. Hardwick stated in evidence here, the other day, that there would be a breadth of 55 feet between the Law Society's buildings and Mr. Street's Law Courts?—I have no doubt that that is so.

3149. Do you think that keeping that breadth then would be sufficient for a street?—Yes, it would be sufficient, although I do not think that it would be a very handsome street.

3150. Supposing that a street were to be made, and the Turnstile to be opened, there would be a fair amount of communication with Carey-street from the north, would there not?—I think so; but I think that, independently of whether those Law Courts are at Carey-street or on the Thames Embankment, some communication from north to south, that is to say, between Holborn and the Strand, is a crying necessity as a metropolitan improvement.

3151. Therefore you put aside the question of the improvement of that part of the metropolis as an element in the comparison between the two sites?—Clearly so.

3152. I suppose that you have studied the conformation of the ground between Howard-

Mr. *G. Pennell.*

27 July 1869.

street and the Strand?—I am intimately acquainted with it, although I cannot say that I have taken any levels, but I have again and again looked at it.

3153. I suppose that you have observed that it is broken in every direction; that it slopes at the Strand and that it rises into a sort of hill or gable-shaped line in the middle of Howard-street?—It is difficult land to deal with, but I do not myself think that there would be any difficulty which Mr. Street could not get over provided that the question of expense was not considered of primary importance.

3154. Do you think that it would be expensive land to put a public building upon from its conformation?—I have scarcely considered that question, I have considered rather the cost of acquiring the site than the cost of executing the building.

3155. But you are decidedly, however, of opinion, are you not, that the difference of level is an architectural argument in favour of the Carey-street site rather than the Embankment site?—I think that Mr. Street would design and execute a fine building on either site in spite of all difficulties.

3156. But you have just told us that St. Paul's would not have looked so well if it had been by the side of the river?—That is another question altogether; I hold to that view, and I say that that building would be a finer object on the top of the plateau than it would be on the foundation.

3157. Would the palace of Westminster which we are in now have been a finer building on a plateau?—Certainly so.

3158. Then I suppose that in laying out a large city you conceive that the best course would be not to build all the large buildings on the low ground, but rather to keep them at the higher elevations?—I think so.

3159. Not to discount your Embankment?—I think not.

3160. *Mr. Chancellor of the Exchequer.*] Had you anything to do with considering the quantity of land which was to be bought round the present Carey-street site?—No; I simply acted upon my instructions to estimate the cost of acquiring certain land.

3161. But not as to the necessity or propriety of purchasing?—Not as to the expediency.

3162. Have you formed any opinion as to the amount of land that would be required for building there?—The design is different now from what it was.

3163. Take the first, the large design, what was your opinion with regard to price then?—If the great design had been executed, the whole of the property mentioned in that valuation of 600,000 *l.* would have been required beyond all question.

3164. Taking the small design, such as Mr. Street has suggested, have you formed any opinion as to what property would be required, or whether any would be required?—I have already said that in Bell-yard I think it would be absolutely required to buy the property, not up to Chancery-lane, but in fact, between the Law Fire Office and Fleet-street.

3165. Would you recommend the Government, supposing you were acting as their adviser, to place a building on the Carey-street site without buying land at all around it?—No; I should advise them to buy as much as Parliament would give them money to buy, and get the streets as wide as possible.

3166. Mr. *Layard.*] Were not a good many houses on the Carey-street site without any title at all?—After some of the purchases had been settled as freehold property, an old lease was discovered of the time of Elizabeth, and that lease had only 18 years unexpired. Of course, the persons who had fancied that their property was freehold, at once found that they were mere leaseholders, and that led to a great deal of delay, and to a great deal of expense, and I do not know now what has become of that question.

3167. What is your objection to the projection of the proposed Law Courts on the Howard-street site beyond Somerset House?—I think it would be very unsightly.

3168. Why?—It is a matter of taste. I can give no reason for it, except that it appears to me that it would be as unsightly (apart from the interference with the public way) as it would be to project the Reform Club 50 feet before the Travellers' Club.

3169. Are you aware that Mr. Street is of a different opinion?—Yes.

3170. You stated, did you not, that supposing Mr. Street's plan were carried out, the land which the Act of Parliament intended should be reserved for ornamental ground, would be occupied by the building?—I said that a portion would be occupied by roads for communication between the Duke of Norfolk's estate and the low level of the Embankment road, and a portion would be the land which I understood was intended to be used as ornamental land.

3171. In the Report of the Committee appointed by the Courts of Justice Commission which has been laid before Parliament it is stated in a note marked A., that "This is the part coloured green on Mr. Street's plan, in front of his building next to the Embankment, and is not less than the area provided by the Embankment Act of 1862, to be left for the ornamental grounds;" are you aware of that?—I do not understand how that can be. The building line settled by the Act of 1862 is shown upon a plan which I have now before me, and which is, I suppose, amongst the archives of the First Commissioner's office. Mr. Street's building undoubtedly projects considerably before that line.

3172. However, as a fact, that is the report of the sub-committee, is it not?—The thing speaks for itself. The Committee can easily obtain the original plan. I believe this to be a correct copy of it (*producing a plan*).

3173. Mr. *Goldney.*] Is this a copy of the plan which is in the First Commissioner's office?—I believe so; I looked up this paper when I was first consulted upon the matter, and I find here a memorandum to that effect. Mr. Hope Scott interposed on the part of the Duke of Norfolk, and had a great many conferences with Mr. Cowper, who was then First Commissioner, and that was the line then agreed upon.

3174. Mr. *Layard.*] But supposing that the Government purchased that site, of course they would purchase with it the rights of the Duke of Norfolk?—No doubt; but the Duke of Norfolk has no right to build upon it.

5175. That is to say, that it was reserved for his advantage?—Partly for his advantage and partly for the advantage of the public. I dare say that Mr. Cowper will recollect that the

Societies

Societies of the Temple, who upon the whole used us more fairly than anybody else, except the Duke of Norfolk, would have been glad, no doubt, upon the reclaimed land to have had the power of building chambers and offices; but they were prohibited from doing it.

3176. But if Mr. Street's plan does reserve an amount of open space such as is required by the Act, then the public interest would be cared for, would it not?—It would as far as regards the public interest, but my objection remains the same, with the greatest respect for Mr. Street, that it appears to me to be most unsightly to project this building before Somerset House, but that is a matter of taste.

3177. Mr. *Russell Gurney.*] Where is the District Railway?—It is not shown on this plan.

3178. Have they power to build upon this Embankment?—I believe they have that power.

3179. Lord *John Manners.*] You have stated, have you not, that if the larger plan was adopted, you would recommend the whole of the land, valued at 600,000 *l.*, to be purchased for that building?—If the original design, which I had to investigate as one of the judges of design is to be carried out, I say yes.

3180. Are you able to inform the Committee whether, in your opinion, the whole of that 3½ acres would be required for the purposes of the building, or whether a certain portion of it would be available for re-sale?—I think it would not be necessary to purchase it upon the smaller plan which Mr. Street now presents to the Commission; I think it would be desirable to purchase some portions, but certainly not to purchase the whole.

3181. But with respect to that larger plan, would the whole of this 3½ acres be necessary for the purposes of the building?—Certainly not for the present building.

3182. But I am speaking of the larger building?—It was intended, as I have before stated, that part of the purchase was to get an exchange, a give and take line with Clement's Inn; but I have not studied the subject sufficiently to be able to give any opinion.

3183. A question has been put to you with reference to the probable improvement in the value of land in Carey-street if the Law Courts are placed upon the Howard-street site. Looking at the Somerset House building, which extends from the river to the Strand, and directing your attention to the nature of the property on the other side of the Strand facing Somerset House, are you of opinion that the existence of Somerset House, with all the great public business which is transacted there, has had any effect in improving the value of the property on the other side of the Strand?—I cannot say that; but I think the circumstances here are different. You are making a special building for a special purpose, where barristers and solicitors would congregate, and if you offered them convenient offices as close to the courts as the property you speak of in the Strand is close to Somerset House, I think they would take advantage of it. I should say, if you will permit me, in reference to the estimate of 668,000 *l.*, that 60,000 *l.* of that was for the purchase of property in the Temple to make a bridge. I do not suppose that the Committee would think a bridge necessary, and, therefore, that might be very well struck out.

3184. *Mr. Chancellor of the Exchequer.*] Did you never hear of anybody going to live near the Inland Revenue Office for the pleasure of paying his taxes more quickly?—No.

3185. Mr. *Cowper.*] In the report of the committee of the Law Institution, a distinction is drawn between land which is inclosed for ornamental ground and that which is let for roads; do you conceive that the general object that Parliament had in keeping an open ground and open spaces near the river applied so much to that which was devoted to roads as to that which was devoted to grass?—I think so; I think the convenience of the public was consulted both in regard to the land which was intended as roads and also in regard to the land which was intended to be converted into gardens.

3186. When you mentioned just now that if the reduced plan of Mr. Street were adopted for the Carey-street site it would be necessary to purchase some houses between Bell-yard and Chancery-lane, did you contemplate that such portion of that purchase as would not be used for a site would be re-sold to advantage?—That I have considered; there would be very little surplus, because the houses are so shallow in Bell-yard, but I have put down something for it; it would leave a net outlay, I think, of 50,000 *l.*

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APPENDIX.

Appendix, No. 1.

PAPER handed in by Mr. *R. D. Baxter*, 16 July 1869.

COMPARISON of SITES as regards LONDON BARRISTERS and SOLICITORS. App. No. 1.

DISTRICTS.	Barristers.	Solicitors.
I.—EMBANKMENT SITE, *Most Convenient for*		
1. City	14	1,270
2. Temple	1,107	248
3. Westminster	56	200
	1,177	1,718
II.—CAREY STREET SITE, *Most Convenient for*		
4. Lincoln's Inn	863	1,234
5. Oxford-street and Regent-street	32	208
	895	1,442
Majority to whom the Embankment Site is most convenient	282	276

Appendix, No. 2.

PAPERS handed in by Mr. *Robertson*, 16 July 1869.

App. No. 2.

ANALYSIS OF THE OFFICIAL LAW LIST, 1869.

BARRISTERS and SOLICITORS having Chambers in the following Districts.

DISTRICTS.		Barristers.	Solicitors.	TOTAL.
1. Neutral.—North of Holborn - - -	599			
and Outlying Districts - - -	467	76	990	1,066
2. For Carey-street Site.—Between Holborn and the Strand - - - - - - - - -		834	520	1,354
3. For Thames Embankment Site.—Between the Strand and the Thames - - -	1,312			
South West - - - - - -	310			
South East - - - - - -	93	1,135	1,939	3,074
City - - - - - - -	1,359			
		2,045	3,449	5,494

Majority of Barristers and Solicitors in districts topographically favourable to the Embankment Site.

Barristers - - - - - - - - - -	301
Solicitors - - - - - - - - - -	1,419
TOTAL - - -	1,720

BARRISTERS and SOLICITORS in the several POSTAL DISTRICTS.

Postal Districts - -	N.	N.E.	E.	S.E.	N.W.	W.	S.W.	E.C.	W.C.	Total Barristers and Solicitors in London.
Barristers - - -	–	–	–	–	–	6	32	1,104	903	2,045
Solicitors - - -	35	15	18	93	34	182	278	1,520	1,274	3,449
TOTAL in each District	35	15	18	93	34	188	310	2,624	2,177	5,494

No. 1.—NEUTRAL.

BARRISTERS and SOLICITORS having Chambers North of *Holborn*, and in Outlying Postal Districts.

NORTH of HOLBORN. BARRISTERS, Members of	Gray's Inn.	Furnival's Inn.	Bedford Row.	Red Lion Square.	Bloomsbury.	Total Barristers.	Total Solicitors.	Total Barristers and Solicitors.
Lincoln's Inn	9	–	2	–	3	14		
Temple	5	–	1	–	3	9		
Gray's Inn	12	–	–	–	–	12		
	26	–	3	–	6	35		
Solicitors	180	47	219	14	104	–	564	
TOTAL	206	47	222	14	110	–	–	599

OUTLYING DISTRICTS.	N.	N.E.	E.	N.W.	W.	Distant Parts of W.C.	Distant Parts of E.C.	Total Barristers.	Total Solicitors.	Total Barristers and Solicitors.
Barristers	–	–	–	–	6	35	–	41		
Solicitors	35	15	18	34	182	127	15	–	426	
TOTAL	35	15	18	34	188	162	15	–	–	467
Barristers								76		
Solicitors								–	990	
TOTAL Barristers and Solicitors, North of Holborn, and in Outlying Postal Districts										1,066

There are about 16 Solicitors not included above having two business addresses, one in the City, and another at Lincoln's Inn, who may therefore be regarded as neutral.

No. 2.—FOR CAREY STREET SITE.

BARRISTERS and SOLICITORS having Chambers between *Holborn* and the *Strand*.

BARRISTERS, Members of	Lincoln's Inn.	Lincoln's Inn Fields.	Carey Street, Serle Street, and Cook's Court.	Chancery Lane.	Clifford's Inn.	Symond's Inn.	Serjeants' Inn (Chancery Lane).	Staple Inn.	Barnard's Inn.	Danes Inn.	New Inn.	Clements Inn.	TOTAL.
Lincoln's Inn	419	14	10	43	1	–	5	–	–	1	–	–	493
Temple	226	11	10	50	–	1	7	3	1	1	1	1	312
Gray's Inn	12	–	–	13	2	1	1	–	–	–	–	–	29
Barristers	657	25	20	106	3	2	13	3	1	2	1	1	834
Solicitors	54	219	26	104	20	6	4	27	2	7	43	8	520
TOTAL	711	244	46	210	23	8	17	30	3	9	44	9	1,354

App. No. 2.

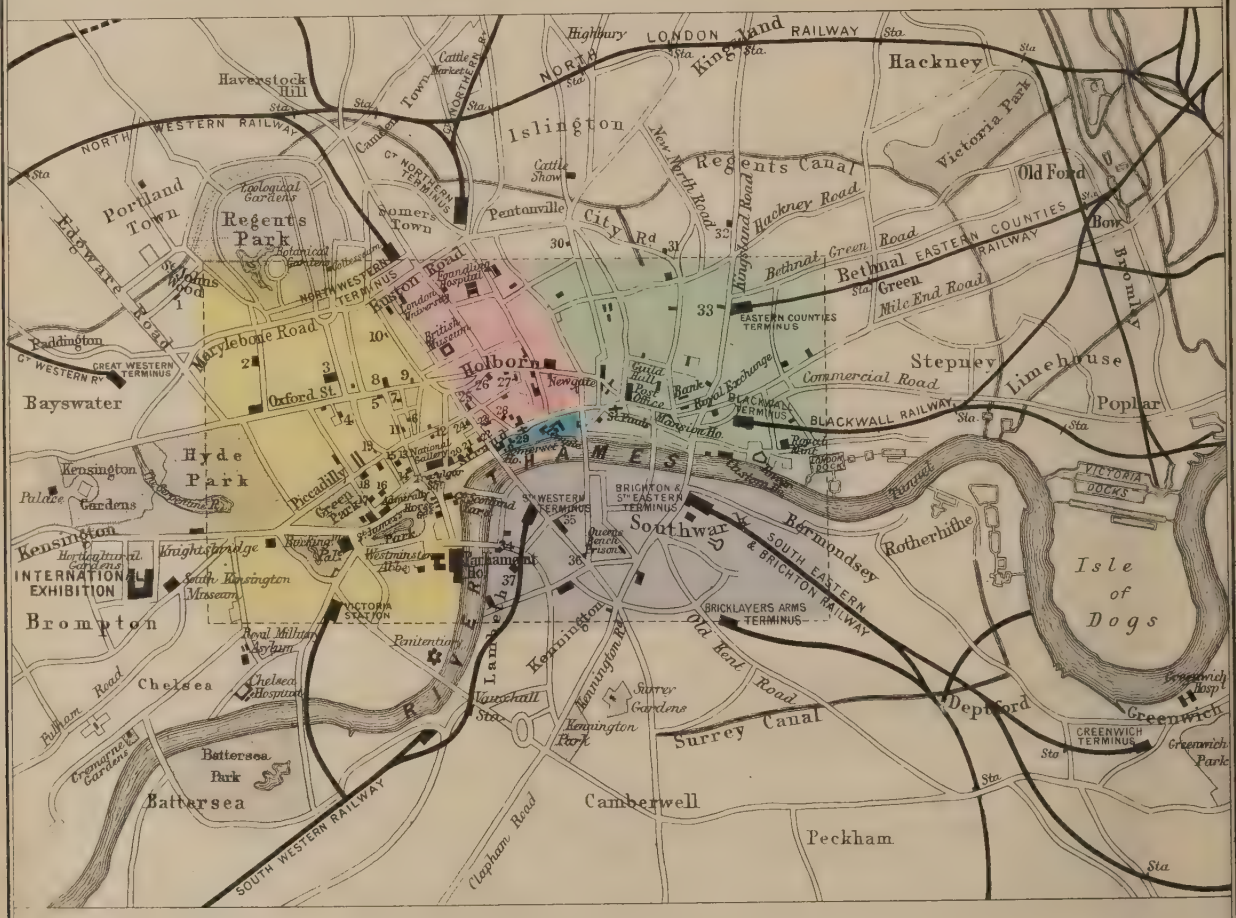
No. 3.—FOR THAMES EMBANKMENT SITE.

BARRISTERS and SOLICITORS having Chambers between the *Strand* and the *Thames*, and in Outlying Districts topographically favourable to the Embankment Site.

BARRISTERS, Members of	Temple.	Child's Place.	Essex, Norfolk, Howard, and Surrey Streets, and Covent Garden.	Wellington Street, Lancaster Place, Adelphi, and Strand.	Serjeants' Inn (Fleet Street).	Total Barristers.	Total Solicitors.	Total Barristers and Solicitors.
Lincoln's Inn - -	176	2	- -	- -	1	179		
Temple - - -	843	7	- -	3	9	862		
Gray's Inn - - -	40	1	- -	- -	1	42		
Doctors' Commons -	3	–	- -	- -	–	3		
Barristers - -	1,062	10	- -	3	11	1,086		
Solicitors - -	67	–	66	66	27	–	226	
TOTAL - - -	1,129	10	66*	69	38	–	–	1,312
South-west (Westminster) - - - - - - -					Barristers	32	–	310
					Solicitors	–	278	
South-east (Southwark) - - - - - - -					Barristers	–	–	93
					Solicitors	–	93	
City (Proper) - - - - - - - -					Barristers	17	–	1,359
					Solicitors	–	1,342	
					Barristers	1,135		
					Solicitors - -		1,939	
					TOTAL Barristers and Solicitors in the Districts favourable to the Embankment Site - -			3,074

* This number includes eight Solicitors North of the Strand.

There are 13 Solicitors having two business addresses in the City and Westminster respectively, who may therefore be regarded as doubly favourable to the Embankment Site.


Highbury
LONDON
RAILWAY
Sta.
Hackney
Haverstock Hill
NORTH WESTERN RAILWAY
Cattle Market
Camden Town
N. LONDON R.
Islington
King's Land
New North Road
Regents Canal
Victoria Park
Old Ford
Portland Town
Regent's Park
Zoological Gardens
Somers Town
Pentonville
City Rd
Hackney Road
Bethnal Green Road
Bethnal Green
EASTERN COUNTIES RAILWAY
Mile End Road
Bow
Bromley
Edgware Road
Paddington
Marylebone Road
GREAT WESTERN TERMINUS
NORTH WESTERN TERMINUS
Euston Road
London University
British Museum
Holborn
Oxford St.
Bayswater
Stepney
Limehouse
Commercial Road
Poplar
Newgate
Bank
Royal Exchange
BLACKWALL TERMINUS
BLACKWALL RAILWAY
St Paul's
Mansion Ho.
THAMES
Hyde Park
Kensington Palace
Kensington Gardens
Piccadilly
Green Park
St James's Park
Buckingham Palace
Westminster Abbey
Tunnel
VICTORIA DOCKS
Kensington
Horticultural Gardens
INTERNATIONAL EXHIBITION
Knightsbridge
South Kensington Museum
Rocking Hall
Parliament Ho.
S.W. WESTERN TERMINUS
BRIGHTON & S.E. EASTERN TERMINUS
Queen's Bench Prison
Southwark
Bermondsey
SOUTH EASTERN & BRIGHTON RAILWAY
Rotherhithe
Isle of Dogs
Brompton
VICTORIA STATION
Penitentiary
BRICKLAYERS ARMS TERMINUS
Old Kent Road
Royal Military Asylum
Chelsea
Chelsea Hospital
Vauxhall
Kennington
Surrey Gardens
Kennington Park
Surrey Canal
Deptford
Greenwich
Greenwich Hosp.
GREENWICH TERMINUS
Greenwich Park
Battersea Park
Battersea
Camberwell
Peckham
SOUTH WESTERN RAILWAY
Clapham Road
Putney
Fulham Road
Cremorne Gardens

Appendix, No. 3.

PAPERS handed in by Mr. *John Young*, 23 July 1869.

LAW MAP OF LONDON.

EXPLANATION.

IN DISTRICT COLOURED	Number of Practising Barristers and Solicitors.	Number of Country Solicitors' Agencies.	TOTAL.
YELLOW	475	221	696
RED	2,026	4,447	6,473
BLUE	1,248	643	1,891
GREEN	1,153	1,169	2,322
PURPLE	42	10	52
TOTALS	4,944	6,490	11,434

LAW COURTS.

APPENDIX TO LAW MAP.

OF the 4,944 Barristers and Solicitors in the coloured districts, there are,—

Barristers in or near Lincoln's Inn	818	
Ditto - ditto Temple	1,044	
Total of Barristers		1,862
Solicitors in all the districts		3,082
TOTAL of Barristers and Solicitors		4,944

Of the 3,082 Solicitors, the Carey-street petition was signed by—

174 west of Wellington-street,	while 61	refused to sign.
635 in the Central District	82	„ „
472 east of Farringdon-street	135	„ „
TOTALS - 1,281 signatures		278 refusals to sign.

The 1,281 signatures represented 1,661 individuals out of the 3,082. The petition is still in course of signature.

Of the 6,490 country solicitors' agencies, the London representatives of over 5,000 have already signed the Carey-street petition.

There were 393 signatures to the barristers' petition in favour of Carey-street, of which 74 were from the Temple.

App. No. 3.

NUMBER of London Solicitors, divided into the Districts shown in the Map, who had Causes and Petitions in the Cause Paper of the Master of the Rolls and the Vice Chancellors on the 28th June 1869.

Western District (Yellow).	Central District (Red).	Temple (Blue).	Eastern District (Green).
25	110	3	56

NUMBER of London Solicitors who attended before the Chief Clerks to the Vice Chancellors on the 29th June 1869.

Western District (Yellow).	Central District (Red).	Temple (Blue).	Eastern District (Green).
73	386	30	283

Attendance at Master of Rolls Chambers on same Day.

115	570	41	429

Appendix, No. 4.

PAPERS put in by Mr. *Pownall*, 27 July 1869. App. No. 4.

Mr. *Pownall* to Mr. *Alfred Austin.*

5, Westminster Chambers, Victoria Street,
Sir, 22 January 1866.

I HAVE, in conformity with your instructions, surveyed the property coloured pink on the accompanying plan, and I estimate the cost of acquiring all the interests in it at the sum of Four Hundred and Eighty-eight Thousand Six Hundred and Twenty Pounds (488,620 *l.*), which amount is exclusive of solicitors' and surveyors' costs connected with the purchase of the property.

I am, &c.
(signed) *Geo. Pownall.*

Alfred Austin, Esq.
Secretary of Her Majesty's Commissioners
of Works, &c.

Mr. *Pownall* to Mr. *E. W. Field.*

Great Turnstile Improvement.

5, Westminster Chambers, Victoria-street, Westminster,
Sir, 12 February 1867.

I HAVE surveyed the property, at Great Turnstile, which will be required for this improvement. My valuation, in each case, is the net cost after allowing for the surplus land which is marked red on the Plans, and will be for sale by the Commissioners, but it does not include the cost of making the road and footpaths.

Plan, No. 1, contemplates the removal of both sides of Great Turnstile, and a wedge-shape strip of land off Lincoln's Inn Garden, the net cost will be - - - - - - - - - - - - - - £. 91,000

Plan, No. 2, contemplates the removal of the west side of Great Turnstile and Newman's-row, but Lincoln's Inn Garden and the east side of Great Turnstile will not be touched, the net cost will be - - £. 100,000

Plan, No. 3, the removal of Newman's-row, and both sides of Great Turnstile, but Lincoln's Inn Garden will not be touched, the net cost will be - - - - - - - - - - - - - - £. 122,000

I also enclose a Plan showing the proposed new street in the rear of Holborn; you will observe that most of the houses in Holborn run as far back as Lincoln's Inn Garden, the owners and Lessees will therefore have the power to compel the Commissioners to purchase the whole of their properties; my estimate after allowing for the sale of the surplus amounts to - - - - - - - - - £. 36,000

I hand you a Plan of the property, as it exists at the present time, and the four other Plans before referred to, and remain,

Yours, &c.
E. W. Field, Esq. (signed) *Geo. Pownall.*

App. No. 4.

Mr. *Pownall* to Mr. *Alfred Austin.*

5, Westminster Chambers, Victoria Street, Westminster,
18 July 1868.

Sir,

I beg to acknowledge the receipt of your communication of the 16th instant, and two plans which accompanied it, which I herewith return.

In conformity with your instructions, I have surveyed the properties in Chancery-lane, edged with blue (except the Law Fire Office), and the premises in the Strand and the Temple, coloured green, and I beg to report to you as follows :—

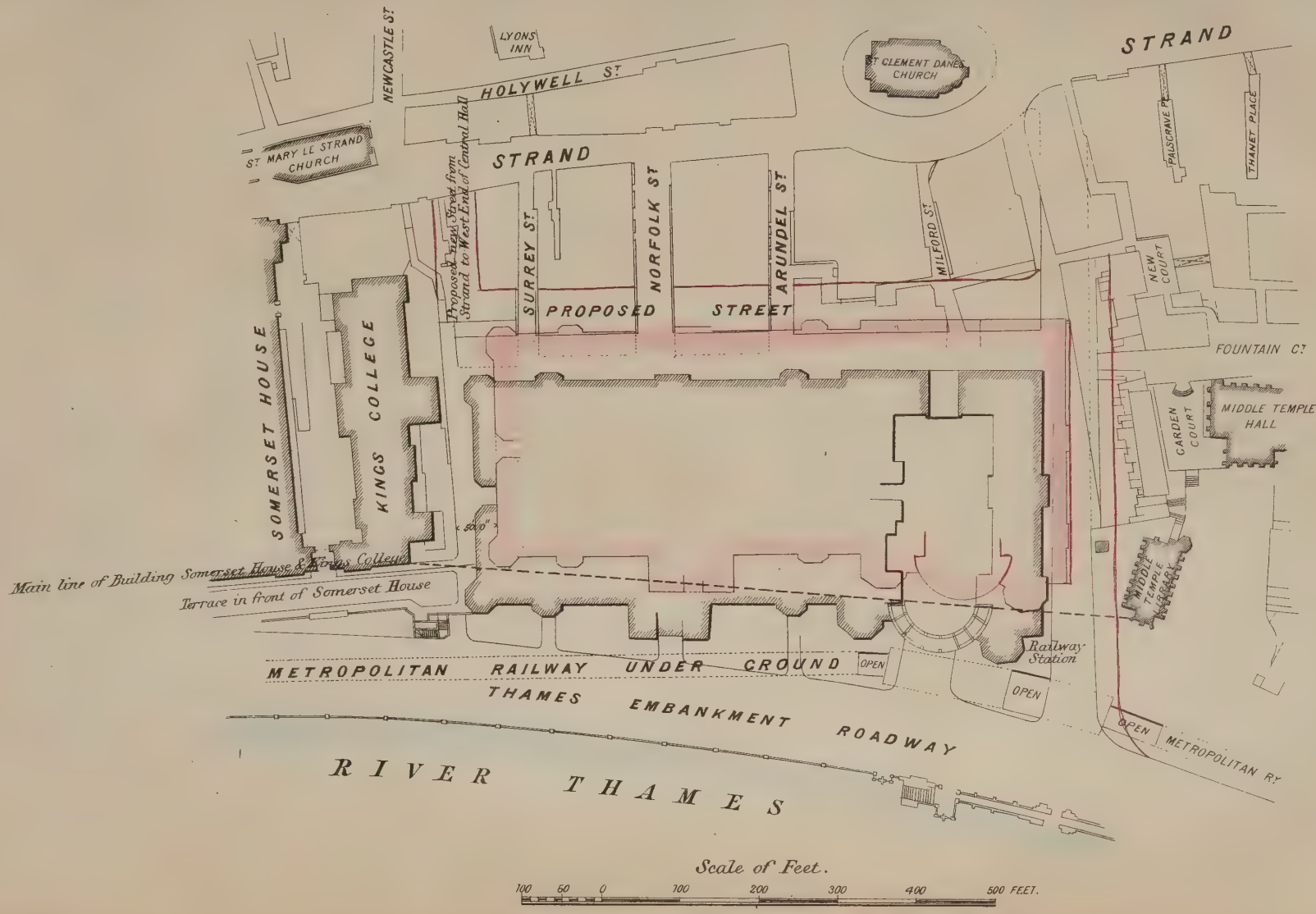
	£.
My estimate, made on the 22nd January 1866, amounted to - - -	488,620
Deducting the value of property between Holywell-street and the Strand, facing St. Clement Danes Church - - - - - - - - -	39,500
Leaves a Balance of - - - £.	449,120
I think it right to draw your attention to the fact, that since I made this estimate many costly and expensive trades have been created on the land coloured red, and some of the claimants who were removed from the site now purchased have taken leases, and spent very large sums of money in fitting up new premises to which they have removed, and which it is now proposed to purchase; such, for instance, as Mr. George Attenborough, at the corner of Chancery-lane; Mr. Tuxford, No. 265, Strand; Mr. Dobree, No. 264, Strand; the Midland Railway Company, No. 262, Strand, and a considerable number of law stationers, and others, in Carey-street. To meet these newly created interests, I consider that a sum of 50,000*l.* should be added to my Estimate - - - - - - - - -	50,000
Increasing this Estimate to - - - £.	499,120
I am of opinion that it will cost, to purchase all interests in the five properties in Chancery-lane (edged with blue on plan), marked A, the sum of - -	108,000
And that to purchase the property, coloured green on the plan, signed by Mr. G. E. Street, will cost a further sum of - - - - - - - -	60,000
Making a Total of - - - £.	667,120

I have to add, that I should be very happy, for the private information of the First Commissioner of Her Majesty's Works, &c., to furnish the details of my valuation of each of the properties in Chancery-lane; but there would be very serious objection to making this information generally known, as it would very much embarrass the promoters if the purchase should hereafter have to be made.

The area in the rear of the Law Fire Office belongs to that company, and would of course be included if this property is purchased.

I am, &c.
(signed) *Geo. Pownall.*

Alfred Austin, Esq.,
Secretary to Her Majesty's Office of Works, &c.


NEWCASTLE ST
LYONS INN
HOLYWELL ST
ST CLEMENT DANES CHURCH
STRAND
ST MARY LE STRAND CHURCH
STRAND
Proposed High Street from Strand to West End of Central Hall
SURREY ST
NORFOLK ST
ARUNDEL ST
MILFORD ST
PROPOSED STREET
PALSGRAVE PL
THANET PLACE
NEW COURT
FOUNTAIN CT
SOMERSET HOUSE
KINGS COLLEGE
GARDEN COURT
MIDDLE TEMPLE HALL
Main line of Building Somerset House & Kings College
Terrace in front of Somerset House
MIDDLE TEMPLE LIBRARY
Railway Station
METROPOLITAN RAILWAY UNDER GROUND
OPEN
OPEN
THAMES EMBANKMENT ROADWAY
OPEN
METROPOLITAN RY
RIVER THAMES
Scale of Feet.
100 50 0 100 200 300 400 500 FEET.

Appendix, No. 5.

PAPER put in by the Right Honourable *G. Ward Hunt*, a Member of the Committee. App. No. 5.

MEMORANDUM by Mr. *Foster*, 23 October 1868.

BUILDINGS.

COURTS OF JUSTICE BALANCE SHEET, page 250.

Chancery Contribution of £. 1,000,000. Stock will produce - - £. 900,000.
Government Grant, fixed at - - - - - - - - £. 200,000.

FURTHER FUNDS.

By Chancery:

Fund to provide for officers of the Court of Chancery, 201,028 *l.* stock.

The interest of this stock at present is carried to the Suitors' Fee Fund Account, the ordinary receipts of which did not, in the year ending 25th November 1867, meet the charges by 35,000 *l.*

By Chancery:

Part of the cash balance of the Suitors' Fee Fund Account of 162,944 *l.*, viz., 100,000 *l.*

As stated above, the ordinary receipts of this fund do not meet the charges by 35,000 *l.* It cannot, therefore, out of its own means, spare 100,000 *l.* out of its cash balance.

This fund is, however, supplemented by transfers from other funds, viz.: interest Six Clerks Office Fund, 67 *l.*; interest from Suitors' Fund, 103,512 *l.*; interest, from Officers, Court of Chancery Fund, 8,895 *l.*

The first of these is insignificant; the last is the interest of 201,028 *l.* stock referred to in the first item which it is proposed to apply to the building account, and on which no further interest would be available for the Suitors' Fee Fund.

The only remaining source of additional receipt is therefore the Suitors' Fund.

On this fund the receipts in the year ending 1st October 1867, consisted of the dividends due upon the stock standing at the credit of the fund, dividends amounted to 117,841 *l.*, and of 550 *l.* for rents received. The charges on the fund were 51,493 *l.*, the balance of receipts over payments being 67,000 *l.*

It is proposed, however, as shown above, to sell 1,000,000 *l.* of the Suitors' Fund stock, which will reduce the interest receivable by 30,000 *l.* The surplus, which now is 67,000 *l.*, will then be only 37,000 *l.*, to meet a deficiency of 35,000 *l.* (as shown above) on the Suitors' Fee Fund Account, leaving a margin of only 2,000 *l.* for eventualities.

Should this very small surplus be turned into a deficiency, it would rest with Parliament to make it good out of the general revenue of the country.

By Bankruptcy:

£. 271,012. stock on Chief Registrar's Account, estimated to produce 256,000 *l.*

It had been agreed, and had received the sanction of the House of Commons, that this sum should be paid to Exchequer. *See* Draft Bankruptcy Bill, as amended on Report No. 75, ordered to be printed 24th April 1868, clause 464.

The Exchequer is just now not in a position to give up its claim to this amount.

App. No. 5.

Unclaimed Dividend:

Account 177,756 *l.* stock, estimated to produce 168,000 *l.*

This fund is liable to claims made within a certain period, and, if surrendered, the Exchequer will have to make good any claims which may be substantiated.

By Common Law:

Surplus fees, 1866–67 -	-	£. 26,600
„ 1867–68 -	-	16,250
		£. 42,850

It is scarcely safe to surrender these surplus fees, seeing that the surplus fell 10,000 *l.* last year, and may soon be turned into a deficiency; and from this statement the salaries of the judges, amounting to 105,000 *l.* per annum, are omitted, so that in reality the fees by no means meet the cost of the courts.

In addition to this, the cost in excess of fees of the Probate Court, the Admiralty Court, and the Land Registry Court, amounts to about 82,000 *l.* independently of judges' salaries.

The Exchequer therefore has a strong claim to these surplus fees improperly so called.

ANNUAL ACCOUNT.

Creditor side:

Surplus Common Law Fees, 16,000 *l.*

The note to this item admits a doubt as to the continuous average of this surplus, but suggests that it would be maintained if certain charges now falling upon the fund were provided for by votes.

It is clear that if Parliament votes the charges, the Exchequer is entitled to the fees which formerly met the charges.

Fee of 1 *s.* per 100 *l.* on probates and administrations.

This seems to be trenching on Imperial duties which are already imposed on these documents.

Debtor:

Redemption Annuity at 4 per cent. for a term not to exceed 50 years, to repay advance from Government of 1,395,150 *l.*, viz., 55,806 *l.*

An annuity of 4 per cent. to repay capital in 50 years is thus composed, viz.:—

Interest, about - -	$3\frac{1}{6}$ per cent.
Sinking Fund - -	$\frac{5}{6}$ „
TOTAL - -	4 „

It is clear that $3\frac{1}{6}$ per cent. per annum is an inadequate rate of interest. For small terminable loans Government itself has occasionally to pay 4 per cent. (*see* Exchequer Bonds, series M.), and Government should not, except under very exceptional circumstances, lend at a lower rate.

Taking interest at 4 per cent., it would require, to repay the above capital in 50 years, an annuity of 64,945 *l.*; and the payment of such an annuity would convert the apparent surplus on the account of over 6,000 *l.* into a deficiency of nearly 3,000 *l.*

It thus appears that by the application of the several funds to the Courts of Justice buildings, the Exchequer would suffer certainly to a considerable extent, and possibly to a much larger extent.

That the mode of raising the revenue to meet the annual charges trenches upon sources of Imperial revenue, and, as regards surplus fees, may not be realised.

That the redemption annuity must either be at a very inadequate rate of interest, or must be increased to an amount which, instead of leaving a margin of revenue, would raise the charges to an amount which would not be met by the receipts as set forth in the account.

The above statement is, further, dependent upon the accuracy of the estimate of expenditure; should this be exceeded (an event of not very uncommon occurrence), further funds would have to be raised, for the charges of which there would be, under the present scheme, no available receipts.

23 October 1868. *M. H. F.*

REPORT

FROM THE

SELECT COMMITTEE

ON THE

NEW LAW COURTS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed*,
30 *July* 1869.

[*Price* 2 *s.* 6 *d.*]

381.

Under 20 *oz.*

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TO THE

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30 *July* 1869.

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axter, Robert Dudley. (Analysis of his Evidence).—Represents the firm of Baxter, Rose & Norton, of Victoria-street, Westminster; has studied the question of the site of the New Law Courts, 1654, 1655——Conclusion that for professional men in Westminster, in the Temple, and in the City, the Embankment site is much the more convenient, 1656. 1676——Greater convenience of the Carey-street site for Lincoln's Inn and for the Oxford-street and Regent-street district; exceptions to this rule, 1656. 1659–1662——Considerable majority of solicitors and barristers in those districts to which the Embankment site is more convenient, 1656. 1667——Few solicitors to the south of the Thames; convenience of the Embankment site in the case of these, 1657, 1658. 1687, 1688.

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CAREY-STREET SITE:

1. *Question as to the Sufficiency of the Area already acquired.*
2. *As to the Purchase of additional Land.*
3. *As to a Clearance of the Site, and the erection of Chambers and Offices.*
4. *Conclusions of the Committee.*

1. *Question as to the Sufficiency of the Area already already acquired:*

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1. *Question as to the Sufficiency of the Area already acquired*—continued.

original plan can be erected on the site, *Field* 205. 207–225. 266–273.——Decided superiority of the Carey-street site, *ib.* 304——Impartial and valuable authorities in 1841 and 1842, in favour of the Carey-street site, *ib.* 427–429.

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2. *As to the Purchase of additional Land:*

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Advantage of the clearing of the Carey-street site, with reference to the provision of improved chambers for professional men, *Whitmore* 2053–2056——Desirable facilities offered by the clearance of the Carey-street site, for solicitors and barristers to have chambers there, if the Courts are placed on the Howard-street site, *Vallance* 2066–2071.

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4. *Conclusions*

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Carey-street Site—continued.

4. *Conclusions of the Committee.*

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Carriage Traffic. Conclusion as to the adequacy of the present approaches to the Carey-street site, very little carriage access being required by the legal profession using the Courts, *Field* 121–152. 197. 295–297——Very little carriage traffic to be provided for, especially if the Carey-street site be adopted, *Hardwick* 2102–2111. 2152–2154.

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Churchyards (*Strand*). Expediency of removing the churchyards of the churches in the Strand in addition to the removal of Holywell-street, *Hardwick* 2410.

City Solicitors. Witness submits that for City solicitors the Embankment site is far more easy of access than the Carey-street site, *Freshfield* 1556–1565. 1572–1577. 1628–1650——Several leading firms in the City favourable to the Embankment site, *ib.* 1558–1561. 1566——Facility of access from the City to the Embankment site by the new street from the Mansion House to Blackfriars, *ib.* 1560. 1647–1649.

Consideration of the circumstances of a large number of City solicitors having signed a petition promoted by the Incorporated Law Society in favour of the Carey-street site; belief that in so signing they had not before them the relative merits of the two sites, *Freshfield* 1566–1568. 1588–1603. 1651–1653——Less facility of access from the City to the Carey-street site by way of the Holborn Viaduct than to the Embankment site by way of Mansion House street, *ib.* 1630–1650.

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Clare Market. Advantage of a road cutting off the Clare Market district from the new Courts, *Street* 613——Dissent from the view that the Clare Market district would soon be rebuilt and improved if the Courts be placed on the Carey-street site, *ib.* 1135–1142——Advantage of removing Clare Market, if the Carey-street site be adopted, *Cole* 1866, 1867——Opinion that Clare Market is too far off to affect the building, *Hardwick* 2205. 2365, 2366——Improvement if the Clare Market district could be purchased with a view to improved buildings and approaches if the Courts be placed on the Carey-street site, *Pownall* 3098, 3099. 3131–3133.

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Cole, Henry Warwick, Q.C. (Analysis of his Evidence.)—Is a Chancery barrister, having chambers in Lincoln's Inn, 1854, 1855—— Preference on the whole for the Embankment site; more especially unless proper approaches are made to the Carey-street site, 1856–1867. 1884——Approval of the Carey-street site, provided certain new and improved approaches are made; great difficulty of access otherwise, 1857. 1861-1867——Grounds for the conclusion that the Embankment site would not entail any great inconvenience to solicitors in the Lincoln's Inn district; these could readily shift their chambers to the proximity of the Courts, 1859, 1860. 1873–1876. 1889.

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Great saving of time to the profession, and advantage to suitors, by concentrating the offices and Courts on the same site, 1895–1901——Greater convenience to barristers in Stone-buildings by having the Courts on the Embankment site than at Westminster, 1902–1912——Defect of Mr. Street's plan in not providing for the offices on the west, and for the Courts as far as possible on the east, and closer to the Temple and to Lincoln's Inn, 1903.

Common Law Barristers. Doubt whether the Common Law barristers in the Temple have but little London practice as compared with the Chancery barristers north of the Strand, *Robertson* 1926–1935——Exceptions taken to the statement that the majority of the Common Law barristers in the Temple do not practice in the London Courts; examination on this question, *Whitmore* 1988. 1998–2016——Much larger attendance of suitors and of the public in the Common Law Courts than in the Chancery Courts, the Embankment site being preferable for these, *Whitmore* 1988, 1989; *Vallance* 2062. 2087——Unfair advantage to Common Law barristers in the Temple over those in Lincoln's Inn if the Courts be concentrated on the Embankment site, *Hon. G. Denman* 2559.

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Importance of the concentration of Courts and offices being on a site as close as possible to the great hive of legal business, *Young* 2676–2678——Way in which a concentration of the Courts would be beneficial to solicitors; absence of benefit to the bar or to the general public, *Lord Romilly* 2764. 2778–2781.

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Consultation Rooms. Convenience of the provision of consultation rooms under witness's plans, that is, for the use of solicitors and barristers, *Street* 682.

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Cost:

1. *Carey-street Site.*
2. *Estimated Return from Sale of Carey-street Site.*
3. *Howard-street Site.*
4. *Cost of Buildings.*
5. *Exception taken by Lord Romilly to the proposed Expenditure.*
6. *Conclusion of the Committee favourable to the Carey-street Site on the score of Cost.*

1. *Carey-street Site:*

Examination of four or five witnesses by the Royal Commission of 1865 before giving a certificate that the site would cost 750,000 *l.*, and the buildings 750,000 *l.*, *Field* 6. 24–38. 51–53——Statement that the certificate given by the Commission did not include any expenditure or estimate for accesses or approaches, *ib.* 25. 35. 53–59——Further reference to the witnesses upon whose evidence the certificate was given by the Commission, *ib.* 417.

Estimate of 488,000 *l.* by Mr. Pownall in 1866 for additional land at the Carey-street site; largely increased estimate in 1868, *Street* 607, 608——Estimate by witness in 1861, and again in 1864, that the probable cost of the Carey-street site would be 750,000 *l.*, and the probable cost of buildings 750,000 *l.*, *Hunt* 1225–1229——Statement by witness to the Commission that it would be necessary, for the sake of ventilation and approaches, to acquire much more land than was represented by the estimate of 750,000 *l.*, *ib.* 1233, 1234——Necessity, if the Carey-street site be adopted, of acquiring at least the additional lands shown on the deposited plan of 1868, and estimated by Mr. Pownall to cost 608,000 *l.*; concurrence in this estimate, *ib.* 1235–1241.

Belief that not only the property represented by the estimate of 608,000 *l.*, but other property, which witness estimates at 400,000 *l.*, must be acquired for purposes of ventilation, approaches, &c.; a further expenditure of at least a million sterling is in fact necessary in order to make the Carey-street site properly available for the New Law Courts, *Hunt* 1241–1257. 1267–1282. 1411. 1504–1508——Accuracy generally of witness's estimates for Government, *ib.* 1261–1263. 1339——Improbability of the Metropolitan Board of Works bearing any portion of the outlay of one million required for the improved approaches in connection with the Carey-street site, *ib.* 1329–1333.

Opinion that on the score of cost the Carey-street site is the best, *Young* 2679, 2680——Means of defraying the cost by fees, without expense to the public, *ib.* 2680.

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Statement that certain persons are prepared to buy the Carey-street site at an ultimate rent equivalent to 3½ per cent. upon 780,000 *l.*, *Hunt* 1314, 1315. 1364–1367. 1480.

Concurrence in Mr. Pownall's estimate of a loss of 436,000 *l.* on the sale of the Carey-street site; limited faith placed in an offer by some company to pay a rental equal to three per cent. on the cost, *Hardwick* 2123–2125. 2172–2183. 2212–2219. 2230–2239. 2258–2266. 2275–2280. 2290–2294. 2380–2400.

Concurrence in Mr. Pownall's estimate of 18,216 *l.* as the ground rent which the Carey-street site would realise, *Oakley* 2847, 2848——Grounds for the conclusion that the value of the fee of the Carey-street site cannot be taken at more than 364,000 *l.*, or twenty years' purchase of the ground rents; dissent from Mr. Hunt's estimates on the subject, *ib.* 2847–2864. 2870–2889——Opinion that it would take fourteen years to cover the whole of the Carey-street ground with houses, or a mean of seven years, *ib.* 2851–2859. 2870.

Calculation that the Carey-street site, which has cost about 760,000 *l.*, would realise only 364,320 *l.*, *Pownall* 3054–3056. 3092–3097——Opinion as to a return of three per cent. upon the cost of the Carey-street site being a high rent, *ib.* 3057–3059——Increased amount to be realised by the Carey-street site if the Law Courts were erected on the Howard-street side; further question hereon as to its saleable value, if let out at ground rents at three per cent., 3069–3072. 3092–3096. 3100–3105. 3120–3130. 3183, 3184.

3. *Howard-street Site:*

Opinion that an extra million would be better spent in buying the property north of Howard-street than on the Carey-street site, *Hunt* 1303, 1304——Estimate of 600,000 *l.* as the net cost of the property required on the Howard-street site; this is somewhat less

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than Mr. Pownall's estimate, *Hunt* 1334–1339. 1344–1347——Omission from witness's estimate of the cost of widening Essex-street (150,000 *l.*), *ib.* 1345. 1369–1371——Omission of contingent expenses from witness's estimate of the cost of the Howard-street site, *ib.* 1384–1391.

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Estimate of 637,494 *l.* as the purchase-money required for the Howard-street site, including all claims for compensation, *Oakley* 2841–2845.

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Home Circuit. Doubt as to any superior facilities of the Embankment site if the Home Circuit be brought to London, *Sir R. Palmer* 2455–2463. 2484–2486——Equal advantage of the Carey-street site if the business of the Home Circuit be transacted in the New Courts, *Honourable G. Denman* 2528.

Howard-street Site:

Detriment to the law by the adoption of the Howard-street site, and by placing the courts away from the chamber of the solicitors and counsel, *Field* 306–314.

Description of the Howard-street site, as proposed by witness; suggestion that both sides of Essex-street be taken as well as the houses from Howard-street to the Strand *Street* 615–623——Total of four acres and three rods embraced in the site proposed by witness,

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HOWARD-STREET SITE—continued.

witness, *Street* 624–627——Boundaries of the site adverted to; opinion that the site is fact an admirable one for a public building, *ib.* 628–633. 657, 658.

Exceedingly objectionable buildings likely to be erected on the Embankment if it be not utilised by Government; prospect of a railway station there, *Street* 761–766. 769——Statement as regards certain objections by witness in February last to a site on the Embankment, that the scheme then objected to was altogether different from the present, *ib.* 807–809. 825–833——Exception taken to the view that the conformation of the ground is peculiarly unfavourable in the case of Howard-street, *ib.* 1101–1109——Conclusion that the purchase of certain houses north of Howard-street may be taken as settled, *ib.* 1110–1113.

Preference on the whole for the Embankment site; more especially unless proper approaches are made to the Carey-street site, *Cole* 1856–1867. 1884.

Plan suggested for the Embankment site in lieu of that proposed by Mr. Street; increased cost of witness's scheme, which involves the removal of the building more to the east, so as to leave a street fifty feet wide to the west, and involves also the acquisition of more land to the north, *Pownall* 3076–3083——Difficulty as to the levels of the ground near Howard-street, this however being an obstacle which Mr. Street would readily overcome, *ib.* 3152–3155.

Origin of the proposal to build the courts on the Howard-street site, adverted to by the Committee, *Rep.* iii, iv——Conclusion as to the relative disadvantage on the whole of the Howard-street site, so that it would be wise to abandon it, *ib.* iv, v.

See also *Access (Approaches). Agency Solicitors. Architectural Effect. Carey-street Site. Cost. Delay. Elevations. Essex-street. Extension of Site and Buildings. Foundations. Inner Temple. King's College. Legal Profession. Light, Air, and Ventilation. Lincoln's Inn. Plans and Maps. Probate Court. Public, The. Railway. Reclaimed Ground. Re-investment. Somerset House. Strand. Suitors. Temple. Wills.*

Hunt, The Right Honourable George Ward. (Analysis of his Evidence).—Explanatory statement to the effect that the financial scheme of the Courts of Justice Commission in July 1868 was not endorsed by the late Government or the late Board of Treasury, 3045–3047.

Hunt, Henry Arthur. (Analysis of his Evidence.)—Has had considerable experience as a surveyor and valuer; is a member of the Law Courts Commission, 1221–1224——Estimate by witness in 1861, and again in 1864, that the probable cost of the Carey-street site would be 750,000 *l.*, and the probable cost of the building 750,000 *l.*, 1225–1229——Objection made by witness, as one of the Commission, to the appointment of an architectural clerk, 1231, 1232——Statement by witness to the Commission that it would be necessary, for the sake of ventilation and approaches, to acquire much more land than was represented by the estimate of 750,000 *l.*, 1233, 1234.

Necessity, if the Carey-street site be adopted, of acquiring at least the additional land shown on the deposited plan of 1868, and estimated by Mr. Pownall to cost 608,000 *l.*; concurred in this estimate, 1235–1241——Further cost of 60,000 *l.* if it be decided to build a bridge across the Strand from Thanet-place, 1235–1238——Belief that not only the above property represented by the estimate of 608,000 *l.*, but other property, which witness estimates at 400,000 *l.*, must be acquired for purposes of ventilation, approaches, &c.; a further expenditure of at least a million sterling is in fact necessary, in order to make the Carey-street site properly available for the New Law Courts, 1241–1257. 1267–1282. 1411. 1504–1508.

Importance of removing the south side of New Square; this is not included in witness's estimate of a million for additional lands, 1250, 1251. 1398–1410. 1460——Estimate of 800,000 *l.* as the cost of the building on either site, 1258–1260. 1305——Larger area required to be built over on the Carey-street site, 1258–1260——Larger outlay allowed for foundations on the Howard-street site; particulars hereon, 1260. 1323–1327. 1448–1451——Accuracy, generally, of witness's estimates for Government, 1261–1263. 1339.

Opinion that after the additional clearances contemplated by witness the Carey-street site will still be inferior to the Howard-street site on the score of air, light, and ventilation, 1264–1266. 1281, 1282. 1413–1418. 1489–1495——Grounds for concluding also that the approaches, notwithstanding the several improvements contemplated by witness, will be inferior to the approaches to the Howard-street site, 1267–1280. 1283–1286. 1293, 1294. 1353, 1354. 1372–1383. 1469–1476.

Excellent facilities of access to a building on the Howard-street site, 1283–1286. 1291–1294——Conclusion that no nuisance need be apprehended from the railway, 1287–1290——Much better surroundings of the Howard-street site than of the Carey-street site; advantage in the former state as regards light, air, and ventilation, 1295–1297——Estimate of one million as the value of the land between Howard-street and the Strand; advantage of this high value in so far as it may tend to prevent pressure upon Government for an extension of the courts, 1298–1303. 1439——Opinion that an extra million

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would be better spent in buying the property north of Howard-street than on the Carey-street site, 1303, 1304.

Importance attached to the widening of Essex-street, this improvement being one which should fairly be charged against the Howard-street site, if adopted, 1306–1313. 1369–1374. 1431–1438——Statement that certain persons are prepared to buy the Carey-street site at an ultimate rent equivalent to 3½ per cent. upon 780,000 *l.*, 1314, 1315. 1364–1367. 1480——Valuable street improvements to be carried out as a result of the sale of the Carey-street site for building purposes, 1316–1322.

Improbability of the Metropolitan Board of Works bearing any portion of the outlay of one million required for the improved approaches in connection with the Carey-street site, 1329–1333——Estimate of 600,000 *l.* as the net cost of the property required on the Howard-street site; this is somewhat less than Mr. Pownall's estimate, 1334, 1339. 1344–1347——Dissent from sundry statements in documents issued by the Incorporated Law Society as to the superiority and economy of the Carey-street site, 1340–1352.

Opinion that there will be no surplus land for sale out of the 7½ acres acquired in Carey-street, 1342. 1443–1447——Circumstance of witness having omitted the widening of Essex-street (estimated at 150,000 *l.*) from his estimate of the cost of the Howard-street site, 1345. 1369–1371 —— Good class of houses likely to be erected on the Norfolk estate abutting on the Embankment, 1355–1358——Objectionable character of some of the river-side buildings near the end of Essex-street, 1359–1363——Want of facilities for crossing the Strand whether the courts be on the north or on the south, 1374–1384——Facilities required for the public as well as for the lawyers, 1377–1382.

Omission of contingent expenses from witness's estimate of the cost of the Howard-street site, 1384–1391——Circumstance of the commission not having concurred with witness as to the necessity of additional purchases for the Carey-street site, 1391–1397 —— Dissent from Mr. Street's view that certain land might be re-sold, if the reduced plan is adopted on this site, 1419–1426.

Explanation as to the height, &c. of the houses to be built on portion of the ground to be acquired at Howard-street, 1427–1430——Greater outlay in purchasing for extensions north of Howard-street than in the Clare Market district, 1439–1442——Question as to the period for which witness has been of opinion that the present Carey-street site was not sufficient for the Law Courts, 1452–1468. 1489——Explanation as to witness having purposely excluded claims for compensation from the estimate of the cost of the Howard-street site, 1478, 1479.

Doubt as to the widening of Carey-street to sixty feet being objectionable as attracting more traffic of a noisy character, 1481–1488——Probable sufficiency of the Carey-street site for the mere accommodation of the proposed courts and offices, 1496–1498——Delay in the erection of the courts if the Bill now before Parliament be not passed in the present Session, 1499–1503.

I.

Inclosure Commission. Approval of the Inclosure Commission being accommodated near the courts, *Fields* 353, 354.

Incorporated Law Society. Dissent from sundry statements in documents issued by the Incorporated Law Society as to the superiority and economy of the Carey-street site, *Hunt* 1340–1352—— Circular letter received by witness from the Incorporated Law Society, requesting him to support the movement in favour of the Carey-street site, *Boodle* 1785——Reply to witness to the foregoing, objecting to the course pursued in the matter by the society, *ib.*—— Statement as to witness not having been present at any meetings of the society when the site of the courts was discussed, *ib.* 1786–1797.

Absence of any undue influence on the part of the Incorporated Law Society as regards the signatures to petitions in favour of the Carey-street site, *Sir R. Palmer* 2464, 2465.

Alterations and improvements made by the Incorporated Law Society irrespectively of the courts being placed on the Carey-street site, *Young* 2577–2582——Explanation that the members of the society have no interest whatever on the part of the society in the question of site; as regards pecuniary interest the matter is in fact one of consummate indifference to the society or its members, *ib.* 2582. 2640, 2641 —— Statement in defence of the issue of circulars by the society, asking solicitors to support the Carey-street site; denial that these circulars contained any material mis-statements, *ib.* 2583–2596.

See also *Cook's Court Company. Plans and Maps.*

Inner Temple. Explanation that the Benchers of the Inner Temple have no pecuniary interest in the adoption of the Embankment site, *Cole* 1868——Reference to a special meeting summoned at the Inner Temple for considering the site of the New Law Courts; strong

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strong feeling manifested in favour of the Embankment site, *Whitmore* 1982. 1991–1997. 2017–2019. 2052, 2053——Willingness of the Benchers of the Inner Temple to assent to the proposed alteration of the site of the railway station, *ib.* 1985.

See also *Temple.*

Instructions for Architects. Information relative to the preparation of the instructions for the architects who were to compete for plans and elevations, *Field* 72–78——Minute submitted by witness to the Treasury before the issue of the instructions to the architects, *ib.* 425, 426——Expectation, when the book of instructions was issued, that the expense mentioned in the Act of Parliament might be exceeded, *ib.* 431.

Examination relative to the area to which the competing architects were in the first instance restricted by the Commissioners; communications hereon from the architects to the Commission, *Street* 1040–1051.

J.

Judges' Rooms. See *Courts and Judges' Rooms.*

K.

Kinder, Richard. (Analysis of his Evidence.)—Is partner in the firm of Woodfall and Kinder, carrying on business as printers at the bottom of Milford-lane, 2742–2745——States that since the completion of the Thames Embankment the water has frequently come into the foundations and basement of the premises of the firm, 2746–2755.

King's Bench Walk. For barristers having chambers in King's Bench Walk the Carey-street site would be the more convenient, *Honourable G. Denman* 2527. 2530.

King's College. Narrow roadway proposed between the west of the proposed building on the Howard-street site and King's College, *Street* 819, 820——Alteration necessary as regard the terrace and river front of King's College if the Law Courts be placed in juxtaposition, *ib.* 1215–1217.

L.

Lake, Mr. Reference to the evidence of Mr. Lake before the Law Courts Commission of 1859 in favour of the Carey-street site, *Sir R. Palmer* 2419.

Law Institution. Interference with the light as regards Carey-street through the new storey being added to the Law Institution, *Street* 773–775——Doubt as to any inconvenience arising in respect of the proximity of the Law Society's buildings in Bell-yard if the courts be placed on the Carey-street site, *Hardwick* 2327–2336.

Legal Profession:

1. *Evidence in favour of the Carey-street Site, as most convenient to Barristers and Solicitors generally.*
2. *Evidence favourable on this Score to the Howard-street Site.*
3. *Importance of the Courts being in close Proximity to the Chambers and Offices of the Legal Profession.*
4. *Question as to the Profession removing to the Neighbourhood of the New Courts.*

1. *Evidence in favour of the Carey-street Site, as most convenient to Barristers and Solicitors generally:*

Assumption that the larger solicitors' offices are, in a great majority, to the north of the Strand, and that, on this score, the inconvenience of crossing the Strand would be especially great if the courts be placed to the south, *Hardwick* 2111, 2112. 2155–2157. 2298–2300.

Witness submits that a very great majority of the legal profession in London and in the country are in favour of the Carey-street site; sundry petitions referred to in proof of this conclusion, *Sir R. Palmer* 2412–2419——Large number of solicitors in different districts of the metropolis who have signed petitions in favour of the Carey-street site, as compared with the number of refusals to sign, *ib.* 2414–2416. 2500–2502——Petition in favour of this site signed by 393 barristers, of whom seventy-four had chambers in the Temple, *ib.* 2414. 2416, 2417——Convenience to solicitors from Westminster or the City in being near the chambers of counsel in Lincoln's Inn, when the former come to the courts on the Carey-street site, *ib.* 2516, 2517.

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LEGAL PROFESSION—continued.

1. *Evidence in favour of the Carey-street Site, &c.*—continued.

Opinion as to the Carey-street site being much more convenient than the Embankment site to the legal profession, and through the profession to the public, *Honourable G. Denman* 2526–2528——Deceptive character of certain statistics purporting to show that the Embankment site is more convenient for the profession in the Temple, in the City, &c., *ib.* 2549–2554.

Opinion that for the convenience of the legal profession the Carey-street site is incomparably the best, *Young* 2565——Equal convenience of the Carey-street site as of the Howard-street site to many solicitors in the west end, *ib.* 2566, 2567——Information in connection with a certain plan showing the distribution of the legal profession in London, *ib.* 2616–2627——Conclusion that a very large majority of the whole profession, including country solicitors represented by London agents, are in favour of the Carey-street site, *ib.* 2627.

Grounds for the conclusion that it would on the whole be much more convenient to solicitors and clients that the Law Courts should be on the Carey-street site than on the Howard-street site, *Milne* 2716–2741.

Statistics supplied by Mr. Young, in connection with Law Map of London, and showing the greater convenience of the Carey-street site to the large majority of the legal profession, *App.* 177, 178.

2. *Evidence favourable on this Score to the Howard-street Site:*

Very litttle difference to solicitors from the north in having to go on to the Embankment site instead of the Carey-street site, *Freshfield* 1565. 1569–1571. 1578, 1579——Conclusion that for professional men in Westminster, in the Temple, and in the City, the Embankment site is much the more convenient, *Baxter* 1656. 1676——Considerable majority of solicitors and barristers in those districts to which the Embankment is more convenient, *ib.* 1656. 1667.

Further consideration of the grounds for witness's statement that the majority of the solicitors generally would best be suited by the Howard-street site, *Baxter* 1727–1747——Calculation that the Embankment site would be to the convenience of a considerable majority of the barristers, *ib.* 1776, 1777.

Convenience of the Carey-street site to the Chancery barristers, and of the Embankment to the common law barristers, the number being about equal, *Boodle* 1783. 1803——Majority of solicitors to whom the Embankment site would, according to Mr. Baxter, be more convenient, *ib.* 1783, 1784. 1803——Conclusion as to the Embankment site being the more convenient to the city and west end solicitors, *Cole* 1859. 1869–1872. 1877–1883.

Particulars comprised in certain statement, the result being that there is a considerable majority of solicitors and barristers topographically favourable to the Embankment site——*Robertson* 1917 *et seq.*——For the general body of solicitors in the metropolis the Embankment site would be more convenient, *Vallance* 2061, 2062.

Comparative statement submitted by Mr. Baxter, showing a majority of 282 barristers and 276 solicitors to whom the Embankment site would be most convenient, *App.* 173.

Papers submitted by Mr. Robertson, containing statistics relative to the legal profession, and showing a large majority in districts topographically favourable to the Embankment site, *App.* 174–176.

3. *Importance of the Courts being in close Proximity to the Chambers and Offices of the Legal Profession:*

Evidence in support of the conclusion that it is most essential that the chambers of counsel and solicitors should be as near as possible to the courts; great advantage thereby to suitors, *Field* 224. 306–314. 331–341. 370–402. 409, 410——Much more frequent daily attendance of lawyers and their clerks at the courts, than of suitors or the public, *ib.* 431——Numerous telegrams received at solicitors' offices during the day, this rendering it very important that their offices should be as near as possible to the courts, *ib.* 431, 432.

Importance of the legal profession being in close proximity to the courts; easy access being also desirable for clients and for witnesses and jurors, *Freshfield* 1604–1627——Great importance of the courts being in close proximity to the chambers of counsel, *Honourable G. Denman* 2528. 2534——Advantage to professional men and to suitors when attending the courts, of being near to the offices of the large mass of solicitors north of the Strand, 2651–2654. 2668–2671.

4. *Question as to the Profession removing to the Neighbourhood of the New Courts:*

Expected migration of counsel to the neighbourhood of the courts if placed on the Embankment site, *Freshfield* 1622–1627——Expectation that barristers and solicitors in he Lincoln's Inn district will largely migrate, and will follow the courts, if placed on the

Embankment

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4. *Question as to the Profession removing, &c.*—continued.

Embankment site; grounds for this conclusion, *Baxter* 1667. 1670–1675. 1705–1708 1718–1726. 1763–1769.

Obstacle to barristers shifting their chambers and following the courts; convenience on this score of the Carey-street site to barristers in Lincoln's Inn, &c., *Cole* 1859. 1885–1892——Fallacy of the view that the legal profession would remove from Lincoln's Inn, &c., to the neighbourhood of the courts if placed on the Embankment site, *Sir R. Palmer* 2439–2447. 2498. 2511–2514. 2518–2521——Doubt as to the Carey-street site being largely used as offices for the profession if the other site be adopted; nor would it be to the advantage of suitors that expensive offices should be built on such site, *Honourable G. Denman* 2540, 2541.

See also *Access* (*Approaches*). *Agency Solicitors.* *Carey-street Site.* *City Solicitors.* *Common Law Barristers.* *Concentration of Courts.* *Equity Courts.* *Howard-street Site.* *Incorporated Law Society.* *Lincoln's Inn.* *Public, The.* *South London.* *Strand.* *Suitors.* *Temple.*

Library (*Law Institution*). Convenience of the Carey-street site as regards the use of the library of the Law Institution, *Young* 2655-2662.

Light, Air, and Ventilation. Doubt as to the necessity of clearing away numerous houses around the Carey-street site for the purposes of light, air, approaches, *Field* 113–118—— Advantage of the Howard-street site on the score of light and air, *ib.* 224.

Careful consideration given to the question of light and air, and quiet, *Street* 590, 591 ——Advantages of the Howard-street site on the score of light and air, and quiet; its superiority over the Carey-strest site in these respects, *ib.* 633–635. 682. 695–699—— Deficiencies of the Carey-street site on the score of light, air, and ventilation, *ib.* 695–699. 708–715. 719——Facility for lighting the rooms on the river side, no terrace being proposed in front of the buildings, *ib.* 809, 810——Absence of complaint on the score of air, in the case of King's College Hospital or Clement's Inn, *ib.* 1059–1061.

Opinion that after the additional clearances contemplated by witness the Carey-street site will still be inferior to the Howard-street site on the score of air, light, and ventilation, *Hunt* 1264–1266. 1281, 1282. 1413–1418. 1489–1495——Much better surroundings of the Howard-street site than of the Carey-street site; advantage in the former case as regards light, air, and ventilation, *ib.* 1295–1297——Opinion in favour of the Embankment site on the score of light and air, *Boodle* 1782. 1803.

Grounds for the conclusion that on the score of light, air, and ventilation, one site is as good as the other, *Hardwick* 2114–2122. 2205–2211. 2228, 2229. 2269, 2270. 2301–2305——Doubt as to the necessity of clearing away surrounding buildings in Pickett-street, Yates-court, &c., if the courts be placed on the Carey-street site, *ib.* 2137–2144. 2353–2366. 2400, 2401.

Argument as to the fallacy of the presumed superiority of the Howard-street site on the score of light, air, and ventilation, *Young* 2629——Advantage of the river front of the building in this respect, whilst on the three other sides the light, &c. would be exceedingly bad, *ib.*

Lincoln's Inn. Greater convenience of the Carey-street site for Lincoln's Inn and for the Oxford-street and Regent-street district; exceptions to this rule, *Baxter* 1656. 1659–1662——Very little inconvenience to solicitors and barristers in Lincoln's Inn if the Embankment site be adopted, and if the Strand be bridged, *ib.* 1667. 1699–1704.

Grounds for the conclusion that the Embankment site would not entail any great inconvenience to solicitors in the Lincoln's Inn district; these could readily shift their chambers to the proximity of the courts, *Cole* 1859, 1860. 1873–1876. 1889——Instances of barristers in Lincoln's Inn favourable to the Embankment site, *Whitmore* 1982——Admission that for barristers in Lincoln's Inn-fields, &c., the Carey-street site would be more convenient, *Vallance* 2062.

Very serious inconvenience to the profession in Lincoln's Inn if the Embankment site be adopted, *Honourable G. Denman* 2333——Approval of the Carey-street scheme by the authorities of Lincoln's Inn, *Young* 2667. 2684——Much larger amount of business transacted by solicitors in the Lincoln's Inn district than is transacted in any other district, *Milne* 2728–2731.

See also *Access* (*Approaches*). *Equity Courts.* *Legal Profession.*

M.

Materials for Building. Great facility for building on the Embankment site, and of landing materials from the river; this would fully counterbalance any increased expense for foundations, *Street* 673, 674——Difficulty as to the cartage of materials to Carey-street, as compared with Howard-street, *ib.* 736–738——Statement that, in his estimates of cost,

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witness has not taken into consideration the facility of landing materials from the river for the construction of a building on the Embankment site, *Hardwick* 2197–2200.

Metropolitan District Railway. See *Railway.*

Middle Temple. See *Temple.*

Milne, Nathaniel Charles. (Analysis of his Evidence.)—Is a member of the Society of the Inner Temple; has practised there for forty years, 2711–2715——Grounds for the conclusion that it would on the whole be much more convenient to solicitors and clients that the Law Courts should be on the Carey-street site than on the Howard-street site, 2716–2741——Much larger amount of business transacted by solicitors in the Lincoln's Inn district than is transacted in any other district, 2728–2731——Facility of access from the Temple to the Carey-street site by means of an underground passage, 2732–2739.

Minor Courts. Objection to so small a width as forty-two feet for the minor courts, *Street* 801–803.

N.

New Square. Importance of removing the south side of New Square, if the Carey-street site be adopted; this is not included in witness's estimate of a million for additional lands, *Hunt* 1250, 1251. 1398–1410. 1460.

Norfolk Estate. Good class of houses likely to be erected on the Norfolk estate abutting on the Embankment, *Hunt* 1355–1358.

Norfolk-street. See *Access* (*Approaches*).

O.

Oakley, John. (Analysis of his Evidence.)—Has had considerable experience as a surveyor and valuer, 2839, 2840—— Estimate of 637,494 *l.* as the purchase-money required for the Howard-street site, including all claims for compensation, 2841–2845——Concurrence in Mr. Pownall's estimate of 18,216 *l.* as the ground rent which the Carey-street site would realise, 2847, 2848——Grounds for the conclusion that the value of the fee of the Carey-street site cannot be taken at more than 364,000 *l.*, or twenty years' purchase of the ground rents; dissent from Mr. Hunt's estimates on this subject, 2847–2864. 2870–2889——Opinion that it would take fourteen years to cover the whole of the Carey-street ground with houses, or a mean of seven years, 2851–2859. 2870—— Estimate of 162,000 *l.* as the cost of widening Essex-street, and of the other approaches required, if the courts be placed on the Howard-street site, 2865-2869.

Offices. Enumeration of offices provided for in witness's plan, *Street* 587——Provision for separating by an internal street the offices from the courts, the latter being contained in a central block, *ib.* 588, 589—— Defence of the arrangements proposed in the Embankment plans on the subject of offices, *ib.* 872–878——Comparative space or area required for offices on each site; explanation hereon as to the less requirement in Howard-street, through its being proposed to add a storey to the building on that site, *ib.* 1062–1074.

Defect of Mr. Street's plan in not providing for the offices on the west, and for the courts, as far as possible, on the east, and closer to the Temple and Lincoln's-Inn, *Cole* 1903——Importance of the offices being brought near to the chambers of the legal profession, *Whitmore* 2039–2051——Convenience by the Vice Chancellors having their offices and chief clerks close to their courts, *Lord Romilly* 2804–2808.

P.

Palmer, Sir Roundell, Q.C. (Analysis of his Evidence.)—Submits that a very great majority of the legal profession in London and in the country are in favour of the Carey-street site; sundry petitions referred to in proof of this conclusion, 2412–2419——Large number of solicitors in different districts of the metropolis who have signed petitions in favour of the Carey-street site, as compared with the number of refusals to sign, 2414–2416. 2500–2502——Petition in favour of this site, signed by 393 barristers, of whom seventy-four had chambers in the Temple, 2414. 2416, 2417.

Importance attached by the profession to the avoidance of delay in the erection of the new courts, 2416–2418——Importance also attached to a concentration of the courts in the great legal district; concurrence of witness in this view, 2416. 2419 *et seq.*—— Reference to the evidence of Mr. Lake before the Law Courts Commission of 1859 in favour of the Carey-street site, 2419——Views of Sir Richard Bethell in 1859 as to the advantages of this site, *ib.*

Grounds for dissenting from the conclusion that for the convenience of those having business in the courts the Embankment site possesses any peculiar facilities, 2420–2422. 2487——Belief that the majority of those using the courts would come from the north; great

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great obstacle through these having to cross the Strand if the Embankment site be adopted, 2423–2427. 2487——Inadequacy of a bridge or tunnel across the Strand in order to obviate the objections to the Embankment site, the distance of the courts from Lincoln's Inn, &c. being a fatal objection, 2425–2427. 2473–2480. 2503–2510.

Opinion that by adopting the reduced or original Carey-street site but little regard need be had to the question of future extensions, 2428–2430——Sufficiency of the land already acquired for all practical purposes; expediency, however, of further outlay for improved approaches, 2431–2433. 2448–2451——Conclusion that the convenience of the legal profession as regards proximity to the courts is directly for the interest of the public, 2434–2438. 2481. 2515.

Fallacy of the view that the legal profession would remove from Lincoln's Inn, &c. to the neighbourhood of the courts, if placed on the Embankment site, 2439–2447. 2498. 2511–2514. 2518–2521——Want of a new approach from the north quite as much if the courts are built in Howard-street as in Carey-street, 2451——Equal convenience of the Carey-street site as of the Howard-street site to the Templars, but for the crossing of the Strand, 2452——Strong condemnation of any continued separation of the courts of law and equity, 2453, 2454.

Doubt as to any superior facilities of the Embankment site if the Home Circuit be brought to London, 2455–2463. 2484–2486——Absence of any undue influence on the part of the Incorporated Law Society as regards the signatures to petitions, 2464, 2465——Immaterial character of some inaccuracies in a certain map, and in some statements circulated by the society, 2466, 2467.

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South London. Few solicitors to the south of the Thames; convenience of the Embankment site in the case of these, *Baxter* 1657, 1658. 1687, 1688——Total of only forty-two practising barristers and solicitors, south of the Thames, and of ten country agencies, *Young* 2624.

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TO THE

REPORT

FROM THE

SELECT COMMITTEE

ON THE

NEW LAW COURTS.

Ordered, by The House of Commons, *to be Printed*,
30 *July* 1869.

381 —I.

Under 8 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

PUBLIC OFFICES CONCENTRATION BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND THE

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
6 *July* 1869.

Thursday, 24*th June* 1869.

Public Offices Concentration Bill,—Read a Second time, and committed to a Select Committee of Five Members, to be nominated by the Committee of Selection.

Tuesday, 29*th June* 1869.

Committee nominated of—

Sir Edward Buller (Chairman).	Mr. C. Sykes.
Colonel Vandeleur.	Mr. H. W. Fitzwilliam.
Mr. Wilbraham Egerton.	

Friday, 2*nd July* 1869.

Colonel Vandeleur is discharged; and the Hon. Charles R. D. Hanbury-Tracy is added to the Committee.

Monday, 5*th July* 1869.

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Three be the Quorum of the Committee.

Tuesday, 6*th July* 1869.

Ordered, THAT the Committee have power to Report the Minutes of Evidence taken before them, to The House.

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REPORT.

THE SELECT COMMITTEE to whom the PUBLIC OFFICES CONCENTRATION BILL was referred, have taken Evidence thereon, which they have agreed to report to The House; and have examined the allegations of the Bill, and found the same to be true; and have gone through the Bill, and made amendments thereunto.

7 *July* 1869.

PROCEEDINGS OF THE COMMITTEE.

Tuesday, 6th July 1869.

MEMBERS PRESENT:

Sir EDWARD BULLER, in the Chair.

Mr. Wilbraham Egerton.	Mr. H. W. Fitzwilliam.
Mr. Hanbury-Tracy.	

Preamble read a first time.

Messrs. *Sherwood* appeared as Agents for the Bill.

Mr. *Lawrence*, Solicitor to the Office of Works, was heard in support of the Bill.

Mr. *James Fergusson* examined.

Preamble read a second time.—Question, "That the Preamble of the Bill is proved,"—put, and *agreed to.*

Clauses considered.

Mr. *James Rogers* examined.

Clauses, with amendments, *agreed to.*

Two new Clauses added.

Ordered, To Report the Bill, as amended, to The House.

Ordered, That the Minutes of Evidence be reported.

Ordered, To Report.

MINUTES OF EVIDENCE.

Tuesday, 6th July 1869.

MEMBERS PRESENT:

Sir Edward Buller.	Mr. Wilbraham Egerton.
Mr. Hanbury-Tracy.	Mr. H. W. Fitzwilliam.

SIR EDWARD BULLER, IN THE CHAIR.

Mr. JAMES FERGUSSON; Examined by Mr. *Lawrence*.

1. YOU are the Secretary for Works and Buildings to the Commissioners of Her Majesty's Works?—I am.

2. You are familiar with the plans which have been deposited for the acquisition of this property?—I am.

3. Will you kindly explain to the Committee what is the position of the property about to be taken; I believe it begins at Charles-street, Westminster?—The Bill which is before the Committee was based on a recommendation of a Commission, of which Lord John Manners was chairman, appointed in 1866. They proposed to buy the whole block bounded on the north by Charles-street, on the east by Parliament-street, on the south by Great George-street, and on the west by the Park. But in consequence of further modifications which have taken place with regard to the arrangement of the public offices it is now proposed only to take compulsory powers to purchase the eastern half of that block, which is coloured red on the plan before you; a certain portion of it, which is numbered 126, a large block in front of the India Office, belongs to the Secretary of State for India, and he proposes to utilise it by erecting a museum upon it; the Government, therefore, do not propose to interfere with that block. It is further thought that it would be incurring a very great expense, which is not required, to purchase the houses in Great George-street, or those houses in Duke-street, facing the Park, and in consequence of that the small area comprising the houses between Boar's Head-yard and Gardiner's-lane would be of no value to the Government for public offices, and it is therefore proposed also to abandon that, and to confine the powers of the Bill to the part marked red.

4. I believe you also propose to abandon Dover House?—At present it is abandoned.

5. That is Crown property, I believe?—Yes; that is not mentioned in the Bill at all, it is dropped out.

6. Notice was given for taking Dover House, but we propose not to take the power to purchase the leasehold interest which exists in that house, which will expire and fall into the hands of the Crown in the year 1883?—Yes.

7. You propose to widen Parliament-street and to accommodate the public offices by a building fronting the widened street?—The object of the purchase is twofold; in the first place, to accommodate the several offices, the concentration of which was recommended by Lord John Manners' commission; and, in the second place, to widen Parliament-street. The Committee will observe, that as soon as the Home and Colonial Offices are completed (which they are now in process of being) upon this central block adjoining the Foreign and India Offices, the upper part of King-street will be obliterated by the building extending over it; the consequence is that, practically, for all purposes of traffic the lower part of King-street will become comparatively useless, and it will then be indispensable to widen Parliament-street, so as to accommodate the immense traffic which flows in that direction. It is for these two objects that this purchase is proposed, as a public improvement, and also as a governmental scheme.

8. Will you state to the Committee the estimate of the expense for land?—The expense for land, according to Mr. Hunt's estimate, is about 700,000 *l.* for the part now proposed to be purchased; the expense of the whole block, I may mention, is estimated at 1,286,000 *l.*

Mr. *J. Fergusson.*
6 July 1869.

9. *Chairman.*]

Mr. *J. Fergusson.*

6 July 1869.

9. *Chairman.*] What whole block?—The whole of the land for which notices were given in November last.

10. Mr. *Lawrence.*] I believe it was estimated in the report presented to Parliament at 1,443,920 *l.*?—That included certain property which has since been acquired.

11. There is a deduction to be made from that in respect of the property purchased since the date of the report?—Yes, the net sum would be 1,286,000 *l.*

12. I believe you estimate the present building at 400,000 *l.*?—About that for the building it is proposed to erect on the land we are now seeking powers to acquire.

13. Making a total of 1,100,000 *l.* to include land and buildings?—Yes.

14. As against 2,243,920 *l.*, which would have been the expenditure to be incurred for carrying out the scheme according to the Report?—That is so.

The plan was explained to the Committee.

15. *Chairman.*] The width of Parliament-street is to be 100 feet, I understand?—Yes; 100 feet to 120, as may be hereafter decided upon.

16. Mr. *Lawrence.*] I believe the principal difference between your plan and the larger plan is, that the Treasury remains undisturbed?—Yes, it will be undisturbed for the present; it will be improved eventually.

[The Witness withdrew.

On Clauses:—Mr. JAMES ROGERS; Examined by Mr. *Lawrence.*

Mr. *J. Rogers.*

17. YOU are the Vestry Clerk, I believe, of the united parishes of Saint Margaret and Saint John, Westminster?—I am.

18. Since the year 1865 the rates of those parishes have been mortgaged to an aggregate amount of 17,000 *l.* odd. Can you give the exact figure?—The mortgages originally amounted to considerably more, but the balance due upon them is 17,005 *l.* 17 *s.*

19. And that is payable by instalments?—That is payable by instalments.

20. When is the last of these instalments due?—It is due in June 1878.

21. I believe you have investigated the rate-books, and can furnish the Committee with the amount of the rates collected in the year 1868 from the property proposed to be purchased?—I have.

22. What is it?—It amounts to 2,394 *l.* 7 *s.*

23. It is proposed that the Government should pay to the parish the rates in respect of the property they take until the year 1878?—Yes.

[The Witness withdrew.

REPORT

FROM THE

SELECT COMMITTEE

ON

PUBLIC OFFICES CONCENTRATION BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND THE

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
6 *July* 1869.

296.

Under 1 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

WISLEY COMMON;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
26 *April* 1869.

Friday, 2nd April 1869.

Ordered, THAT a Select Committee be appointed to consider the proposed Inclosure of Wisley Common.

Tuesday, 6th April 1869.

Ordered, THAT the Select Committee on Wisley Common do consist of Five Members.

Committee nominated of,—

Sir Francis Goldsmid.	Mr. Goldney.
Mr. Frederick Stanley.	Mr. Fawcett.
Mr. Brown-Westhead.	

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Three be the Quorum of the Committee.

Monday, 26th April 1869.

Ordered, THAT the Committee have power to report their Observations, together with the Minutes of Evidence taken before them, to The House.

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REPORT.

THE SELECT COMMITTEE appointed to consider the proposed INCLOSURE of WISLEY COMMON;——HAVE considered the Matters to them referred, and have agreed to the following REPORT:—

THE Committee have inspected the proceedings of the Inclosure Commissioners relating to Wisley Common, and have heard evidence for and against the proposed inclosure.

Wisley Common contains about 370 acres, and is situate in the parish of Wisley, in Surrey. It immediately adjoins Ockham Common, authority to inclose which was obtained some few years since, but which has not yet been inclosed.

Four individuals only appear to have proprietary rights to or over Wisley Common; all these four gentlemen either promote or have assented to the proposed inclosure.

On the other hand, most of the persons resident in the surrounding district seem to be strongly opposed to the inclosure, and to believe that it would greatly lessen the pleasantness of the neighbourhood.

A Bill, intituled, "The Metropolitan Commons Act, 1866, Amendment Bill," has recently been brought in, and stands for a Second Reading on the 31st of May, which Bill is not yet printed, but the object of which the Committee understand to be the extension of the area comprised in the provisions of "The Metropolitan Commons Act, 1866." If this Bill (which is hereinafter referred to as the Extension Bill) passed, the extended area would most probably include Wisley Common.

On the expediency of the object of the Extension Bill, the Committee have come to no resolution, as they do not understand that question to be referred to them.

But they do not find in the circumstances relating to Wisley Common any such peculiarity as would, in their opinion, justify them in recommending that it should be excepted from any general rule (whether for or against inclosure) which is considered by the Legislature as ordinarily applicable to Commons at a similar distance from the metropolis.

The Committee accordingly recommend that the Third Reading of the Bill authorising the inclosure of Wisley Common (hereinafter referred to as the Inclosure Bill) should be postponed (say till the middle of June), in order to afford to the House an opportunity for previously expressing its opinion on the Extension Bill.

If the Extension Bill should pass, and the extended area should include Wisley Common, the Committee do not consider the Provisional Order of the Inclosure Commissioners a sufficient reason for excepting Wisley Common from the operation of that Bill. If

If no progress should by the middle of June have been made with the Extension Bill, the Committee recommend that, subject to the modifications hereinafter mentioned, the Inclosure Bill should be passed.

The Committee are not satisfied with the sufficiency of the reasons given by the Inclosure Commissioners against the reservation of allotments for the labouring poor, and the Committee recommend a reservation of 10 acres for that purpose if the House should sanction the inclosure.

In the same event the Committee recommend the reservation of a recreation ground of six acres, and also the reservation, for the purposes of walking and riding, of spaces of land, both adjoining the turnpike-road and traversing the Common.

PROCEEDINGS OF THE COMMITTEE.

Thursday, 15*th April* 1869.

MEMBERS PRESENT:

Sir Francis Goldsmid.	Mr. Fawcett.
Mr. Brown-Westhead.	Mr. F. Stanley.

Sir FRANCIS GOLDSMID was called to the Chair.

The Committee deliberated.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 22*nd April* 1869.

MEMBERS PRESENT:

Sir FRANCIS GOLDSMID in the Chair.

Mr. Stanley.	Mr. Goldney.
Mr. Brown-Westhead.	Mr. Fawcett.

Mr. *Henry Marshall*, Mr. *Robert Boreman*, Mr. *Thomas Chambers*, a Member of the House, Mr. *Benjamin Scott*, Mr. *Frederick William Goddard*, Mr. *William Wyke Smith*, Mr. *Henry Cory*, and Mr. *John A. Tulk*, were severally examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 26*th April* 1869.

MEMBERS PRESENT:

Sir FRANCIS GOLDSMID in the Chair.

Mr. Stanley.	Mr. Goldney.
Mr. Brown-Westhead.	Mr. Fawcett.

Mr. *William Wyke Smith* and Mr. *Benjamin Scott* were further examined.

Mr. *Charles Buxton*, a Member of the House, and Mr. *Arthur Pennell* were severally examined.

The Committee deliberated.

Draft Report proposed by the Chairman—read, amended, and *agreed to*.

Ordered, To Report, together with the Minutes of Evidence.

LIST OF WITNESSES.

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MINUTES OF EVIDENCE.

Thursday, 22*nd April* 1869.

MEMBERS PRESENT:

Mr. Brown-Westhead.	Sir Francis Goldsmid.
Mr. Fawcett.	Mr. Frederick Stanley.
Mr. Goldney.	

SIR FRANCIS GOLDSMID, IN THE CHAIR.

Mr. HENRY MARSHALL, called in; and Examined.

1. *Chairman.*] WILL you inform the Committee of the interests of Lord Lovelace and other parties in Wisley Common?—Lord Lovelace is lord of the manor and the proprietor of a considerable quantity of the land in and round it. Mr. Charles Buxton, M.P., is also a large proprietor adjoining.

2. Mr. *Goldney.*] Who are the other proprietors?—Mr. Locke King has an interest in the common as a large landowner adjoining it, and also the clergyman of the parish.

3. Is he the rector or the vicar?—The rector.

4. *Chairman.*] Are those the only proprietors of the common?—They are the only proprietors.

5. Mr. *Goldney.*] In the parish or in the manor?—In the manor.

6. Are the parish and the manor co-extensive?—Lord Lovelace is the largest proprietor.

7. Is Wisley Manor in another parish?—I do not think there is any part of it in another parish.

8. This is commonly called Wisley, is it not?—Yes.

9. *Chairman.*] You think that the manor is a parish, and nothing more?—Nothing more; there are common rights besides.

10. Mr. *Goldney.*] You were asked whether the manor and parish are co-extensive?—They are co-extensive.

11. *Chairman.*] Has anybody who is a proprietor outside the manor any common rights?—Yes, some of the petitioners have; for instance, Mr. Buxton.

12. I understood you to say that his land is within the manor?—He has got some land out of the manor.

13. Mr. *Brown-Westhead.*] Is his land in the parish?—No, unless he has bought some land of Mr. Locke King.

14. Mr. *Fawcett.*] I thought you said that the manor and parish were co-extensive?—No; there are rights of common which were acquired by the tenants of land originally belonging to Lord King, the father of Lord Lovelace, or to Lord Lovelace, who had assumed that title, and such tenants acquired common rights by usage in respect of the land they so occupied.

15. Mr. *Goldney.*] What I gather from you is, that a former lord of the manor had tenants of the manor, who, in respect of their tenancy, had rights through lands outside the manor, some of which lands have been sold to Mr. Buxton, but they still reserve the rights over the common?—Yes.

16. What is the rule by which you know who has a right, and who has not; is it simply usage?—Usage.

17. Practically, the gentlemen you have mentioned, Lord Lovelace, Mr. Buxton, Mr. Locke King, and the rector, are all the persons who have rights?—Yes.

18. Nobody else has any right of common?—No one else has any right of common.

19. Mr. *Fawcett.*] But you said just now that a great many of the tenants under a former Lord Lovelace have acquired rights of common by usage?—So they have.

20. You have just stated to the Chairman that no one else has got rights of common but those four gentlemen?—It so happens that they are the only persons who did acquire rights.

21. Mr. *Goldney.*] You mean that the rights have centred in these four people?—Yes.

22. *Chairman.*] What is the extent of the common rights which other persons have besides Lord Lovelace, Mr. Charles Buxton, Mr. Locke King, and the rector?—The right of pasturage.

23. And the right of pasturage to what extent?—Without limit.

24. Do you mean to say that they can send as many cattle as they choose to put upon the common, or as many cattle as they can keep in these inclosed lands?—No; as many as they choose to put upon the common.

25. What are the other rights?—Turbary is next.

26. What is the limit of that?—There is no limit except the limit which the law gives, that they can only cut what they consume in the cottage.

27. Is

Mr. *H. Marshall.*

22 April 1869.

27. Is the right of turbary to the extent of the consumption of the household?—Exactly.

28. Are there any other rights?—No.

29. What are Lord Lovelace's rights besides his right of soil?—He has common rights.

30. The same common rights? — The same common rights.

31. Has he any right to take gravel, and so on?—Yes, and all the mines and minerals belong to him.

32. The same rights of common as the others, and the ordinary rights of the lord of the manor besides; is that what you mean?—Yes.

33. Who applied to the Inclosure Commissioners?—All the parties.

34. All the four you have mentioned?—Yes.

35. Lord Lovelace, Mr. Charles Buxton, Mr. Locke King, and the rector?—The rector did not apply at first, but he came in afterwards.

36. Was there any representation to the Inclosure Commissioners against the inclosure?—Not a single objection has been made up to the present time.

37. What time did you first hear of any objection?—Since the meeting of Parliament.

38. That objection, I believe, comes from a certain gentleman?—I do not know whom; I cannot imagine.

39. According to your view, has no person any rights of any kind in the common except the four gentlemen you have mentioned?—No rights of any kind.

40. The common is a great deal used, is it not (I do not mean whether it is lawfully used or not), for riding and taking exercise on?—As little as it is possible to conceive; the adjoining land is used for pleasure purposes.

41. What is the adjoining land that you are speaking of?—Part of Mr. Buxton's land.

42. By what name does that go?—St. George's Hill.

43. Is the ground in such a state that it can be ridden over by anyone passing?—There is a taste in that; I should think it is not good.

44. In what respect do you think that it is not good; do you mean that it is rough ground?—In the first place, it is wet at certain times of the year; the level is a little under the River Wey; the river water is not above six feet below it; there is a mill, and when that is penned up the consequence is that it is perfectly damp; it requires a great deal of money to be expended upon it to drain it properly.

45. Had anything at all been done to extend the ditches, and so on, in draining?—Very little.

46. Have the Inclosure Commissioners made any reservation for recreation under the Act?—Yes.

47. Have you any plan showing what the Commissioners have done?—Yes, I have a plan. This is a plan showing the situation of the manor and the land adjoining it (*producing the same to the Committee*).

48. Is that the Commissioners' plan?—It was prepared in the Commissioners' office. (*The witness explained the plan to the Committee.*)

49. Is the piece which the Commissioners propose to reserve for recreation marked on that plan?—No; but it is near the school.

50. Mr. *Goldney.*] This is not an allotment plan?—No.

51. *Chairman.*] You have not a plan showing the piece reserved for recreation?—No, I have not.

52. Do you know what the population of the parish is?—It is very trifling; I do not know the exact numbers; the Commissioners state all that in their proceedings.

53. Mr. *Goldney.*] Are there any other landowners in the parish of Wisley besides the four you have named?—Yes, I should think there are; it is not a large parish.

54. There are other landowners besides Lord Lovelace, Mr. Buxton, Mr. Locke King, and the rector?—I should think so.

55. Does the rector claim in right of his glebe, or does he claim an interest in it from having titheable claims over it?—In right of his glebe.

56. In right of his glebe?—As a landowner.

57. What limit have you to the common rights if there are other landowners? — There have been inter-commonage rights.

58. What prevents the other landowners having a right of common of any sort over this common of Wisley?—There are a trifling number of landowners.

59. Are there any others besides these four gentlemen?—The land steward of Lord Lovelace is here, and he can tell me, if you allow me to refer to him.

60. I want to get, simply, as a fact, whether there are any other landowners or not? — I should say that you will be told there are none; still, there may be an exception to that.

61. You do not know whether there are any other landowners or not?—I do not.

62. From your position, as steward of Lovelace, do you know sufficiently about the rights of common to be able to speak of what they are?—Yes.

63. Do you know better than the land steward what the rights of common are?—Not better.

64. Do you know as well?—Quite as well.

65. Is there a court held for Wisley?—Yes.

66. Are there any infringements of the common rights presented at that court?—Yes; and prosecuted.

67. Have you the court-book here which shows that?—Yes.

68. Will you be able to point out to the Committee, if they require it presently, that infringements have been made from time to time?—I do not think they are on record, because, to a certain extent, it has been notified that the infringements will not be allowed, and that persons who commit such infringements will be prosecuted.

69. How often do you hold this manorial court?—Very seldom.

70. You do not hold the court every year?—No.

71. Was it held annually in your time?—No.

72. How long have you been steward?—Ten or twelve years.

73. How many courts have you held in that time?—None; I have had no occasion to hold any.

74. Were you mixed up with the court before you became steward. I asked you the question how long you had been steward, and you replied 10 or 12 years. Then I asked you how many courts have you held, and you stated that you have held none. I want you to reconcile those statements?—I say I have held none, because there has been no occasion to hold any.

75. How do you account for the fact that there have been several presentments which have been remedied?—There are not regular presentments to the court, but a trespass has been committed.

76. You know as well as I do, and as well as other parties, that if there are infringements on manorial rights, they are generally presented at the manorial court?—That is very seldom the case. A communication is made sometimes. A trespass may be committed, it may be, by mistake. The land steward, or the steward of the manor, makes the communication.

77. How did you become steward of the manor?—By the appointment of Lord Lovelace.

78. Is there a record of that?—I do not think there is.

79. You know as a fact, I presume?—There is no record of it, I am quite satisfied.

80. There is no entry in the court-book that you are the steward?—No.

81. How do the public know that you are the steward?—They do not know except by my acting.

82. I cannot understand how you are acting if you have never held a court, and none has ever been held in your time. There is no record of your appointment, and yet you say you act as steward?—I inquire from time to time, unless it is reported to me that any trespass has been committed. If it is so reported, I immediately complain of it, and whenever I have complained it has been stopped, and never persisted in. A gentleman residing at Weybridge cut turf, but upon my complaining of it he desisted.

83. Are there any quit rents paid for the manor that you receive?—No, I think not.

84. You do not receive any?—No; they are recorded as due, but they are not received.

85. Who are they reported to?—I know what the quit rents are from the court roll.

86. *Chairman.*] Just let us see the court roll?—There it is (*handing in the same*).

87. Mr. *Goldney.*] What quit rents are there?—Lord Lovelace being himself the great proprietor would pay the quit rents if he were an independent person, but the quit rents are not collected.

88. The manor you say is in Lord Lovelace?—Yes.

89. Who was steward in 1835?—Mr. Potter.

90. Is he living?—No.

91. What number of copyholders are there in the manor?—None now except Mr. Locke King.

92. Is he a copyholder?—I am not sure whether he is a copyholder; he has got land.

93. You never admitted any copyholder?—Never.

94. Mr. Buxton, I understand from you, has no land in the parish?—None; I am not sure whether he has not bought land from Mr. Locke King, but not being copyhold I have not had any notice of it.

95. You only know any land that is copyhold?—Yes.

96. Are Lord Lovelace's lands copyhold?—I think none.

97. You say there is no copyhold now?—I do not think there is one.

98. How did Mr. Locke King's copyholds cease or become freehold?—They were sold; Mr. Buxton bought some.

99. But selling would not make them copyhold? No; their not passing through the court is a proof that they were freehold.

100. You say there were certain copyhold lands in this manor?—Yes.

101. You say that Mr. Locke King's lands were copyhold some time or other; do you mean that all Mr. Locke King's lands that are copyhold are sold to Mr. Buxton?—No; he has got some unsold, but he pays no quit rent for them.

102. I want to see whether these common rights are in respect of copyhold, or whether they are general rights. The point I want to get at is, whether the copyhold rights of these four gentlemen are claimed simply in respect of copyhold estates, or whether they are claimed because they are tenants who have lived in the parish as parishioners?—The copyholders merge in the manor.

103. I assume that all Lord Lovelace's lands that he has bought are merged in the freehold?—Yes, I believe there are no other copyholds; they were originally his or his father's.

104. Whose?—Lord Lovelace or his father's.

105. I want to know, as a fact, whether there are any copyhold lands existing at the present time in Wisley Manor?—None.

106. Mr. *Brown-Westhead.*] I understand that all the rights of pasturage and turbary were consequent on the usage?—Not all; some of them were derived from being proprietor of land in the parish.

107. Mr. *Goldney.*] Were these commonable rights in respect of ancient copyhold tenements, or were they in respect of parties resident in the parish, irrespective of what the tenure of the tenement was in which they lived?—Not in respect of parties resident in the parish.

108. Are the commonable rights in respect of all land in the parish, whether copyhold or freehold?—All lands in the parish have a right of common.

109. All lands in the parish, whether copyhold or freehold, or whatever their tenure may be, have a right of common?—Yes.

110. As regards the question of pasturage, it is immaterial whether it is one acre or 100?—Quite.

111. Are there any regulations with regard to beasts; would it be for horses as well as cattle?—Yes.

112. Are there any cattle?—Yes.

113. Horses and cattle?—Yes.

114. So that a man with one acre might put on as many horses and cows as he pleased?—Yes.

115. But he could not exercise a right of turbary except he had a tenement?—Exactly.

116. He would have a right to put horses and cattle on without having a building?—Yes.

117. The right of turbary would be limited to what the household would consume?—To the household consumption.

118. Practically, it is the tenants of Mr. Locke King, the rector, and Lord Lovelace, who do exercise the rights of common?—Yes.

119. As regards Mr. Buxton's rights, are they limited?—In what respect?

120. You say that certain tenants of his who are outside the parish, exercise the rights of common over Wisley Common?—Yes.

121. Are those rights limited in any way?—No.

122. Not as to area?—No.

123. If he had a house in Parliament-street, would his tenants have the right to exercise turbary?

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turbary?—No; it must be the occupiers of his lands.

124. Where?—The occupiers of those lands who, from time out of mind, have enjoyed the common.

125. There must be some limit of area for his tenants?—He is limited to the land.

126. What limit is that?—Occupation.

127. I mean limit as regards locality. Where is the locality that gives the right to Mr. Buxton's tenants?—Mr. Buxton will have a farm, say, of 100 acres.

128. Where?—Outside the parish, we will say; and, in respect of that farm, he had common rights, and all the successors of those tenants would have common rights.

129. You say that all the parties in the parish, without reference to their tenure, have the right of commonage; but that Mr. Buxton is a privileged person for something or other, because his tenants have the right of common, although they live outside the parish?—Entirely in respect of the land of which they have those rights.

130. Is it limited to the land adjoining, or to Ockham?—No.

131. What is the land that gives him a right over Wisley Common?—Byfleet.

132. *Chairman.*] Is that so?—Yes.

133. Then none of Mr. Buxton's tenants who live in Byfleet have the right of common?—No.

134. Mr. *Goldney.*] What we want to ascertain is, whether there is a general right of commonage?—No; there is not a general right of commonage; they must have acquired the right by usage.

135. What other parish besides Byfleet?—Weybridge; I do not know that there is anything in Weybridge.

136. What other parishes besides Byfleet contain lands?—I think Byfleet is the only one. I am told by the land steward that there are Ockham, Purford, and a small portion of West Horsley.

137. Mr. *Goldney.*] Are there any gates on the common; is it inclosed in any way by gates?—No, I think not; not the common itself.

138. Is there any timber on it?—Yes.

139. Who cuts the timber?—Lord Lovelace.

140. Has he a right to plant?—Yes.

141. Has he exercised, to your knowledge, both the right of cutting and planting timber?—He has no occasion to exercise the right of planting, because that sows itself; I mean the fir trees.

142. Do you know whether he has exercised the right of planting?—I have no doubt he has.

143. You do not know of your own knowledge?—I do not recollect.

144. Does he sell gravel?—I do not think he has sold it; he has appropriated it.

145. Does he allow anyone to take gravel without payment?—No, certainly not.

146. Do any of these four people take gravel?—Yes, Mr. Locke King would of course if he wanted any.

147. *Chairman.*] Do you mean that he would take it by permission, or by having a title to it?—I think he would take it without question, but no one else would. I do not think Mr. Buxton has taken any gravel. The exclusive right of digging is vested solely in the lord.

148. Mr. *Fawcett.*] Is Wisley Common an undulating ground?—To a certain extent it is; not much.

149. There are undulations?—The beauty of the undulations is from the adjoining lands.

150. Are there not pretty views walking over Wisley Common?—The views are very pretty in the neighbourhood; the views from the common are not pretty.

151. In walking over Wisley Common, from the common you get nice views of the surrounding country, do you not?—Partially so.

152. And there are undulations on the common?—That is partial also.

153. What is the character of the soil?—Approaching to clay.

154. It is not a sandy soil?—No.

155. You say the ground is not much used by pleasure people, but that the adjoining ground of Mr. Buxton is greatly used.

156. It is not Mr. Buxton's land?—Wisley Common, you say, is not used by pleasure people, but St. George's Hill is generally used?—Yes.

157. St. George's Hill has been inclosed, has it not?—Yes.

158. Then, if it were not for the liberality of the present proprietor of St. George's Hill, the public could be at any time excluded from St. George's Hill?—Yes, it has been inclosed.

159. If they were excluded from St. George's Hill, they would have to take their pleasure somewhere else?—Unquestionably.

160. Mr. *Brown-Westhead.*] Do many people come to Wisley Common now, from London or elsewhere?—None; a stranger is not seen there.

161. You say it is very wet, and not pleasant to walk upon?—No.

162. Mr. *Fawcett.*] You have stated that the ground is wet at particular seasons of the year; I suppose in the height of summer, June, July, and August the ground is not wet, is it?—No.

163. It is then perfectly dry, is it not?—It is dry, but it is not desirable for pleasure.

164. Mr. *Brown-Westhead.*] How far is Wisley Common from Weybridge station?—Three miles.

165. Mr. *Fawcett.*] Are there no freeholders in the parishes of Wisley, Ockham, Purford, and West Horsely, except the four gentlemen you have named, who have rights over Wisley Common?—None, except those I have mentioned.

166. Why has Mr. Buxton, owning land in Byfleet, a right of common over Wisley Common, when a freeholder living in the same parish has not?—Simply because the freeholder has not received the right.

Mr. Robert Boarman, called in; and Examined.

Mr. *R. Boarman.*

167. *Chairman.*] I believe you are the land steward of Lord Lovelace?—Yes.

168. Can you tell us more precisely than has been stated by the last witness in respect of what land rights of common are exercised over Wisley Common?—Are you speaking, first, of Lord Lovelace?

169. Yes?—He has got two or three farms that have rights of common, which he lets to tenants, and those farms are situated in other parishes

parishes besides Wisley. Of course that land claims the right of common.

170. In the first place, have all lands in Wisley parish itself rights of common over Wisley Common?—All except a few acres; that is the woodland belonging to Payne's Hill Estate.

171. They are in Wisley parish?—Yes.

172. They are also in Wisley manor?—Yes.

173. Are the parish and the manor co-extensive?—That I will not say as regards those few acres.

174. Do you know why those few acres have the right of common?—They have never exercised the right.

175. This is entirely woodland?—Yes.

176. Old woodland?—Yes.

177. All the lands except the woodland have the right of common?—Yes.

178. You say that Lord Lovelace has a right in respect of some land out of Wisley?—Yes; where they occupy a farm which is in two parishes, that land which is in the adjoining parish claims rights of common as well as the land which is in the parish of Wisley.

179. To what land of Lord Lovelace's does that answer apply?—To some lands in Purford, Ockham, and West Horsley.

180. To what extent are the lands?—I have not the acreage with me.

181. Mr. *Goldney.*] With regard to each of those farms, you say the farmers had lands also in Wisley?—Yes.

182. *Chairman.*] What do you say as to Mr. Locke King?—Mr. Locke King has Byfleet Park Farm, which is in the parish of Byfleet. Byfleet Farm was originally partly in Wisley and partly in Byfleet. The part in Wisley he sold to Mr. Buxton, and by right of usage he claims for that land which is in Byfleet.

183. Is there any other land?—No.

184. Mr. *Goldney.*] Mr. Locke King has nothing in Wisley parish?—Nothing now. He recently sold all his land in Wisley to Mr. Buxton.

185. Has Mr. Buxton any land out of Wisley?—He has some in Byfleet, which he bought of Mr. Locke King, as well as Wisley.

186. He bought some in Byfleet as well as that in Wisley?—Yes.

187. I suppose the rector has no land except the glebe land in the parish?—No.

188. Do you agree with the last witness in stating that no one else except the four gentlemen whom you have named, and their tenants, have any right of common?—Yes; I do not consider that the person I spoke of at Payne's Hill has any right.

189. You mean in respect of the woodland?—Yes.

190. *Chairman.*] Has he claimed any right?—No; he has never exercised any.

191. Do you agree with the last witness that the right of pasturage is without stint, so to speak, and that the tenants may put on any number of cattle they think fit?—There has been no stint since I have been land steward.

192. How long have you been land steward?—Fifteen years.

193. Mr. *Goldney.*] As I understand, Lord Lovelace has lands in Purford, Ockham, and West Horsley on which the parties claim by usage commonable rights, but that for no other lands does anybody else claim commonable rights?—Not any.

194. You say that Mr. Locke King claims in respect of the land he has obtained, does he not?—Yes.

195. You stated that Mr. Buxton claims with respect to Wisley?—Yes; what he originally bought from Mr. Locke King.

196. There is no other landowner in Wisley parish, except the gentleman owning the Payne's Hill Estate, Lord Lovelace, Mr. Buxton, and the rector?—No.

197. Therefore, those three gentlemen, Lord Lovelace, Mr. Buxton, and the rector, own the whole land in the parish, except the piece of woodland?—Yes.

198. Can you tell what the population of Wisley is?—It was between 150 and 160 in 1861.

199. How many cottages are there in respect of the farm; I mean farmhouses and cottages together?—There are about four farmhouses.

200. How many cottages are there?—About 23 or 24 cottages.

201. Have most of those cottages gardens?—Yes, all of them.

202. Are there any field allotments irrespective of gardens in the parish?—Not in that parish.

203. Have any of the cottages in Wisley allotments in an adjoining parish?—Yes, they have.

204. What parish is that?—Ockham.

205. To whom do those allotments belong?—Lord Lovelace.

206. He lets to his cottage occupiers in Wisley field allotments in an adjoining parish?—Yes, because Wisley parish is a scattered parish, and, therefore, it is inconvenient for them to have little pieces.

207. What are the adjoining parishes to Wisley?—Ockham is one.

208. Is Byfleet another?—Yes.

209. Does Purford adjoin it?—Yes.

210. And West Horsley?—Yes.

211. Are there any other parishes that adjoin Wisley but those you have mentioned?—East Horsley, Walton-on-Thames, and Cobham.

212. Those are all adjoining?—Yes.

213. Mr. *Fawcett.*] Do they abut at all on Wisley Common?—There are some of them three or four miles distant; East and West Horsley are three or four miles distant.

214. Purford is on the other side of the River Wey, is it not?—Yes.

215. What parish adjoins the common on this side?—Byfleet.

216. Is Byfleet the only parish that touches the common?—Byfleet is the only parish that touches the common.

217. Byfleet is, in point of fact, the only one that touches the common?—Yes.

218. Do you know what the population of Byfleet is?—I have no idea.

219. Is it thickly populated or not?—About 1,000, I should say.

220. Do you know, as a fact, whether the Byfleet people are in the habit of using Wisley Common for any purpose?—Yes, to my knowledge.

221. I do not mean as claiming a right, but whether they use it for exercise ground or for the purpose of recreation?—I never saw it used; I never saw even a game of cricket played on it.

222. Not by anyone?—Not by anyone.

223. Were you present at the meetings that were held by the Inclosure Commissioners?—Yes.

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224. Were those advertised in the ordinary way by notices stuck up?—Yes.

225. Were there any parties who claimed to have a right beyond those four gentlemen at those meetings?—No.

226. Did anyone on the part of the public claim to have any rights over the common?—No.

227. Can you give the Committee any reason why Wisley Common has been delayed being inclosed so long?—No, I cannot understand it; if it had been Ockham, I should not have been surprised.

228. Did you suggest that it should be inclosed before this time; was it a suggestion of your own that it was desirable for the sake of making it productive that it should be inclosed?—Lord Lovelace thought it would be better, having previously obtained the sanction of the Ockham people to it.

229. There was a common at Ockham, was there not?—Yes.

230. When was Ockham Common inclosed?—The sanction to it was obtained about three years ago.

231. Is it, in fact, inclosed now?—The inclosure is nearly completed.

232. Then, assuming Wisley Common to be inclosed, the larger portion would fall to Lord Lovelace?—Yes, I suppose it would.

233. What does Lord Lovelace claim for his manorial rights; what is your view of what Lord Lovelace would be entitled to as lord of the manor?—One-eighth.

234. What are the relative proportions of the land of these four gentlemen you have mentioned, Lord Lovelace, Mr. Buxton, Mr. Locke King, and the rector?—I have not got any minutes with me.

235. I do not want you to state it accurately; what is the amount of the rector's glebe?—About 60 acres, I believe.

236. The Inclosure Commissioners state in their Report that the extent of Lord Lovelace's land is 560 acres?—I daresay that is correct.

237. There are only two roads to it?—Only one public road; there is a bridle way, and a footway across it.

238. This is one of the answers given to the Commissioners: "There are about 1,650 acres in respect of which rights of common are exercised. Of these about 1,590 acres belong to the assenting parties." To whom do the other 60 acres belong?—I did not know that there were so many as 60 acres; I think it is only about 20 acres.

239. Mr. *Goldney.*] What is the quantity of woodland?—I should think about 20 acres.

240. *Chairman.*] You do not know what these 60 acres refer to?—I do not remember now.

241. Mr. *Goldney.*] What is the acreage of Wisley parish without the common?—I have not got any notes here to enable me to state that.

242. Is it 1,000 acres or 500 acres?—It is a little over 1,000 acres.

243. Does that include the common or not?—That must include the common.

244. Then it is between 600 and 700 acres without the common?—I think so.

245. What quantity of land, in round numbers, do you suppose Mr. Buxton owns?—About 400 acres, I should say, in round numbers.

246. What quantity of land has Mr. Locke King in Byfleet?—I do not know.

247. Do you know what the rector's glebe is?—About 60 acres.

248. Then, according to that, Mr. Buxton must have between 600 and 700 acres?—Mr. Buxton's does not exceed 400 acres.

249. What does Mr. Locke King hold in Byfleet?—Not more than 150 acres, if he has that.

250. Then, if he has only 150 acres, you mean that Lord Lovelace would hold about two-thirds of the whole?—Yes, he would.

251. You say there is only one road?—There is only one public road.

252. Is the common unhealthy in summer, from the quantity of stagnant water remaining upon it?—It is more unhealthy in the winter, when there are cases of fever. Fever has been very bad, indeed, during the last winter there.

253. From the miasma?—Yes; that is the medical testimony.

254. There has been a medical statement to that effect?—I was asking a medical man about it; and he stated that he thought it was owing to so much rain having fallen during the winter months, which had remained stagnant.

255. There is no drainage by which the water could get off?—There are only two outfalls.

256. A great deal of it has to be taken off by absorption?—Yes; during this winter there have been pools of several acres in extent on the common.

257. Before it could be brought into cultivation or use, considerable expense would have to be incurred, would there not?—Yes.

258. In your opinion, would it be beneficial to the inhabitants of the district to have it inclosed, or leave it as it is?—In my opinion it would be more beneficial to the inhabitants to have it inclosed.

259. Do you think that anyone would be materially injured in the parish or district by having it inclosed?—I do not think they would.

260. You say you have not heard anyone state that they would be injured?—No; the inhabitants of the adjoining parish of Ripley have a very nice recreation ground, and it is the same at Ockham.

261. Mr. *Fawcett.*] The Report of the Commissioners state that there are about 60 acres belonging to people who do not assent to the inclosure; you know nothing about those persons?—No, I do not.

262. Then, according to that, if there are 60 acres belonging to persons who do not assent, there must be other proprietors who have common rights besides the four you have mentioned?—I have never heard anyone refer to them.

263. *Chairman.*] What is the extent of the glebe land?—About 60 acres.

264. Mr. *Fawcett.*] We may assume that these 60 acres represent the rector's glebe?—Yes.

265. He is described in the Report as not assenting to the inclosure?—Yes; it was not thought necessary to ask him in the first place when the Commissioners were asked to attend; but afterwards he did sign the Report.

266. Why was he not asked?—There was a change just at that time.

267. Is not the reason why Wisley Common is damp in the winter months owing to its being scarcely above the level of the River Wey?—Yes.

268. Is

268. Is not the dampness increased by the fact of a mill penning back the water?—No; I do not think that.

269. You differ from the previous witness in what he stated in that respect?—Yes; because when the river is full and swollen, that causes the water to flow back to the main watercourse.

270. If that is the occasion of a portion of the common being damp, how could you prevent the river rising in the winter months?—There is no prevention, I think.

271. This dampness is an evil associated with the high level of the river?—Yes.

272. Therefore you could not, under any circumstances, remedy it?—Not without a very large outlay.

273. Which would be scarcely remunerative?—Only to the owner of a very considerable quantity of land.

274. Could you suggest any plan of draining it, except by lowering the level of the Wey or the Thames?—An undercourse could only be taken where there is a fall in another direction.

275. Do you think there is the slightest chance of such an expensive work being carried out as taking a conduit under the River Wey?—Yes.

276. Have you ever heard that proposed?—Yes; it has been carried out easily in one or two instances.

277. Do you think that might be done here?—I think it might be; if the level of the river was taken there might be an outfall at a great cost.

278. You cannot speak at all positively?—No, I cannot.

279. Therefore, we cannot assume as a certainty that even if this land were inclosed that it would be drained?—No, you cannot.

280. Part of it is undulating ground, is it not?—Yes.

281. Of course that is not damp?—No, it is not damp.

282. It is not damp, at any rate, in the summer months?—About three months in the summer it may be dry.

283. You state that the ground is not resorted to by pleasure seekers?—I have never seen anyone there.

284. But the neighbouring places close to it, such for instance as St. George's Hill and Ockham Common have been greatly resorted to?—Not greatly; I think there is permission given once or twice a week to parties to go to St. George's Hill.

285. St. George's Hill is private property?—Yes.

286. And Ockham Common has been inclosed?—Yes.

287. Suppose the proprietors (which they might do at any time) decided upon not giving access to the public either to St. George's Hill or Ockham Common, there would then be in the immediate neighbourhood very little open ground to which they could resort?—There are large spaces both at Ripley and at Ockham.

288. I thought you said that Ockham had been inclosed?—There is recreation ground left open.

289. How much is the recreation ground?—About four acres.

290. I understood you to say, that the only right which the public have to open ground, is four acres at Ockham and Wisley Common?—There is a large green at Ripley.

291. Is that recreation ground?—Yes.

292. How many acres is that?—Sixty, odd.

293. How far is Ripley from Ockham?—A mile or two; Ockham joins the green.

294. Was that recreation ground reserved?—Yes; it was reserved when the common was inclosed.

295. These 60 acres?—Yes.

296. But the public can be excluded from St. George's Hill at any time?—I suppose they can.

297. How far is Wisley from the nearest railway station?—Three miles.

298. You say there are about 20 cottages in Wisley?—Yes; Mr. Buxton may have built one or two since.

299. Most of the cottages have allotments in the parish of Ockham?—Not most of them.

300. Some of them?—A few have.

301. Are you aware that the Commissioners state as a reason why they propose to reserve no ground from Wisley Common as allotments for the neighbouring parishes is, that all these cottages have gardens?—That is what was considered at the time when we had the meeting. The question was asked by Mr. Wetherall, and the answer was given by those persons that they had sufficient gardens to all their cottages.

302. If they have sufficient garden, why did they require an allotment in Ockham?—There is a field set apart for Ockham and Wisley. If there are one or two tenants in Wisley who want a little more land, his Lordship allows them to have it.

303. In fact these cottagers, or some of them, taking land at Ockham, show that, in their opinion, they think they have not got enough ground?—It is a scattered parish.

304. It was stated at the time of the proposed inclosure, that the cottages in Wisley had gardens, and that those gardens were large enough?—Yes.

305. *Chairman.*] Have they gardens, as a matter of fact?—Yes.

306. Mr. *Fawcett.*] But I am to understand, am I not, that some of these cottagers, in addition to their gardens, rent an allotment at Ockham?—Yes, there are three who do.

307. Therefore, we may conclude from that fact, that those three at least, whether rightly or wrongly, in their own opinion consider that their gardens are not large enough?—One of them has got half an acre of land to his garden now.

308. Of course you may think the gardens are large enough, but I want to arrive at what the opinion of the cottagers is. Do you not think we may conclude that the cottagers, from renting an allotment at Ockham, think that the gardens attached to their own cottages are not large enough?—I do not think that that is their feeling.

309. Why would they rent the allotment if they did not think so?—Because his Lordship sets a field apart, which he allots to A, B, or C, his own tenants.

310. These cottagers are not compelled to take the land?—Certainly not.

311. Then why do they take the land at all if their gardens are large enough?—When it was first set out it was only six acres. There happened to be one or two cottages which his Lordship has got built adjoining Ockham, and he has allowed them to have an allotment.

312. You do not understand my point. Would the

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the cottagers at Wisley rent land at Ockham if they did not think they required it?—Of course not.

313. Then, it is because the cottagers at Whisby think that their gardens are not large enough that they avail themselves of the opportunity afforded by Lord Lovelace's liberality or kindness of getting land at Ockham?—I think it is of very little benefit to them.

314. However, we may conclude that that is their opinion?—I do not think it is; I never heard them express any other opinion than that they had sufficient gardens.

315. If they have sufficient gardens, why should take land at Ockham?—They are not all farm labourers; some of them have an opportunity of working at the mills, and they get three or four hours in which they can work in their gardens; if they can get a piece of land, it is of some advantage to those who have large families.

316. Some of these labourers, not being regular agricultural labourers, think they have an advantage from having land in addition to their gardens?—Yes.

317. Therefore, when the Commissioners conclude that every cottager at Wisley had a garden that was large enough, they did not express the opinion of all the cottagers?—I think it was well considered at the time; there are one or two gentlemen who were well acquainted with the parish who were present.

318. Were these cottagers themselves asked to give evidence?—One who was present was.

319. Only one gave evidence?—Yes.

320. Then the opinion of the rest was not ascertained?—Of course not; there was only one asked, because he was the only one present.

321. Mr. *Brown-Westhead.*] Do those people who have an allotment sell their produce?—Yes; they do often.

322. They do not require all their produce for their own families?—No; if they have got a larger piece than they require for vegetables, then they grow a little corn.

323. You think half an acre is enough for a family?—Yes.

324. If in their spare time they have an opportunity of raising something which is productive, that is sold in the market, I suppose?—I think where we see half an acre well taken care of, that it produces more than an acre badly treated. I do not think it is of any use allotting a large extent of land for gardens; I have seen instances of it in the case of agricultural labourers, where their time is not occupied after six o'clock in the evening.

325. *Chairman.*] What is the size of the gardens in Wisley?—Most of them are a quarter of an acre; that is generally what we consider a cottage garden.

326. Are there any smaller?—There are only two smaller, I believe.

327. Mr. *Goldney.*] You find, from your experience, that men want allotments in order to produce their winter store, or employ their leisure time if they have not regular work?—Yes.

328. The garden, which would be enough for the ordinary consumption of a family, is superadded by this extra piece of ground, which they take to employ themselves upon?—Yes; they are not always employed as agricultural labourers; they work in the wood in bad weather, and so on.

329. Mr. *Fawcett.*] Do you reside in the neighbourhood of Wisley?—Yes, almost adjoining Wisley, within 200 yards of it.

Thomas Chambers, Esq., Q. C., a Member of the House, Examined.

T. Chambers, Esq., Q.C., M.P.

330. *Chairman.*] Will you inform the Committee of any facts which appear to you to bear on the inclosure of Wisley Common?—I was desirous of calling the attention of the Committee to a few passages from the recent Acts of Parliament which have been passed with reference to the inclosing of commons and open spaces, with the view of raising the question before the Committee as to whether the policy of Parliament in relation to that question is not against the proposed inclosure. The first Act to which I wish to call attention, is that of 1836, 6 & 7 Will. 4, c. 115, which is "An Act for facilitating the Inclosure of Open and Arable Fields in England and Wales." That Act recites, "Whereas there are in many parishes, townships, and places in England and Wales, divers open and common, arable, meadow, and pasture lands and fields, and the lands of the several proprietors of the same are frequently very much intermixed and dispersed, and it would tend to the improved cultivation and occupation of all the aforesaid lands within such parishes, townships, and places, and be otherwise advantageous to the proprietors thereof and persons interested therein, if they were enabled by a general law to divide and inclose the same." It goes on to make provisions for the manner in which such inclosures may be made. The inclosures are of "open and common arable, and meadow and pasture lands and fields." The Act provides rather liberally for the mode in which those inclosures may be made. In the 54th section there is this proviso, "Provided always, and be it further enacted, that nothing in this Act contained shall in any case authorise the inclosure of any waste whatsoever, whether the soil thereof shall or shall not be vested in the lord of any manor, and whether with or without the assent of the lord of such manor." So that this Act, which is for the inclosure of "open and common arable, and meadow pasture lands and fields," expressly provides that there shall be no inclosure of any waste whatever, whether the soil is or is not vested in the lord, and whether with or without the assent of the lord.

331. Mr. *Goldney.*] I think that Act was passed, was it not, specially for inclosing lands and letting them in severalty where they were held in common?—That was one of the great objects.

332. There was a very large class of lands at that time called commonable lands, especially arable lands, in Berkshire, and a considerable quantity in Wiltshire, and under that Act a very large portion of those were set out in severalty. The object and intention of the Act was to get rid of the open, and common, and interchangeable lands, with the view to setting them out in severalty, in order that they might not be taken under the general Inclosure Act, which at that time was the Act of George IV.?—That was no doubt for the encouragement of the cultivation of the soil, that is, to diminish the disadvantages

vantages under which it had to be cultivated before, in consequence of this intermixture of the properties. The policy of the Act would seem to have been to facilitate the cultivation by removing those disadvantages. So far as regards the previous Acts it seems to me, from having looked at them, that the ground on which they proceeded was the encouragement of agriculture, increasing the produce of the soil, and increasing the labour of the people. I was reading the 54th section of this Act, which is this: "Provided always, and be it further enacted, that nothing in this Act contained shall in any case authorise the inclosure of any waste whatsoever, whether the soil thereof shall or shall not be vested in the lord of the manor, and whether with or without the assent of the lord of such manor; nor shall anything in this Act contained prejudice, lessen, or defeat the right, title, or interest of the respective lords for the time being of any such manors in, or to any of the royalties, or seignories, fisheries, manorial and other rights, customs, and services, incident or belonging to the said respective manors, or any of them; but that such respective lords, and all and every person and persons claiming in trust for him or them, as such respective lords for the time being of the said several and respective manors, shall, and may at all times for ever hereafter have, hold, receive, take, and enjoy all rents, services, courts, perquisites and profits of courts, fines, goods and chattels of felons and fugitives, felons of themselves, and put in exigent, deodands, waifs, estrays, and forfeitures, privileges, and jurisdictions of their several and respective manors, to the respective lords thereof, or any person or persons claiming under him or them, incident, belonging, or appertaining, except in respect of any land or estate for which compensation is hereinbefore authorised to be made, in as full, ample, and beneficial manner to all intents and purposes as the same might or ought to have been held and enjoyed in case this Act had not been passed." That is a clause to save lords of manors. Then the 55th clause goes on to provide: "Provided always, and be it further enacted, that nothing in this Act contained shall authorise the inclosure of any open or common arable fields, or of any open or common meadow or pasture lands or fields, situate and being within 10 miles of the City of London, or of any open or common meadow or pasture lands or fields situate and being within one mile of any city or town of 5,000 inhabitants, or within one mile and a-half of any city or town of 15,000 inhabitants, or within two miles of any city or town of 30,000 inhabitants, or within two miles and a-half of any city or town of 70,000 inhabitants, or within three miles of any city or town of 100,000 inhabitants; provided that in all cases the number of such inhabitants shall be ascertained by the then last Parliamentary census thereof, and that such distance shall be measured in a direct line from the town hall, if there shall be any town hall; or, if there shall be no such town hall, then from the cathedral or church, if there shall be only one church; or if there shall be more churches than one, then from the principal market-place of any such city or town." Therefore there was a prohibition against inclosing a quantity of land, which was obviously in the very terms of the Act suitable for agricultural purposes, and restraining the inclosure even of such lands as those within a specified distance from cities and towns of a specified population. Therefore I think it is impossible not to see that the object of these provisions was to leave what may be called open spaces within the neighbourhood of large towns even where there might be excellent reasons for bringing them within the general scope of Inclosure Acts, for the purpose of improving the agriculture of the country. The next Act to which I wish to call the attention of the Committee is, the 8 & 9 Vict. c. 118, which was passed in 1845: That is, "An Act to facilitate the Inclosure and Improvement of Commons and Lands held in common, the Exchange of Lands, and the Division of Intermixed Lands; to provide Remedies for Defective or Incomplete Executions, and for the Non-exemption of the Powers of General and Local Inclosure Acts; and to provide for the revival of such Powers in certain cases." It recites, "Whereas it is expedient to facilitate the inclosure and improvement of commons and other lands now subject to rights of property which obstruct cultivation and the productive employment of labour, and to facilitate such exchanges of lands, and such divisions of lands intermixed or divided into inconvenient parcels as may be beneficial to the respective owners;" and so on, which is very much the same object which is specified in the other Act. It goes on to make a very great number of provisions with that object.

333. *Chairman.*] It begins by reciting, "Whereas it is expedient to facilitate the Inclosure and Improvement of Commons;" that does not seem to be the subject of that limitation?—Yes.

334. "And other lands now subject to rights of property which obstruct cultivation and the productive employment of labour, and to facilitate such exchanges of lands, and such divisions of lands intermixed or divided into inconvenient parcels, as may be beneficial to the respective owners;" the first part seems to be general?—I think that is a very general interpretation. Parliament says that it is expedient to facilitate and improve the inclosure of commons. I think it is entertaining that opinion which they have expressed in the first clause of the preamble that they provide the 12th section in these terms:—"Provided always, and be it enacted, that no waste land of any manor on which the tenants of such manor have rights of common, nor any land whatsoever, subject to rights of common which may be exercised at all times of every year for cattle *levant* and *couchant* upon other land, or to any rights of common which may be exercised at all times of every year, and which shall not be limited by number or stints, shall be inclosed under this Act without the previous authority of Parliament in each particular case, as hereinafter provided." What I want to show, therefore, is, and I think it is the fair inference from this proviso, that the Act of Parliament was intended to facilitate the inclosure of commons, and that whilst Parliament has pledged itself to the general policy of inclosing commons it should be *sub modo*, with the exception which is mentioned in this 12th section.

335. Mr. *Goldney.*] I wish to ask you whether the one-third that was necessary to set the Act in motion was one-third in value, or value and number too. Under all the previous Acts two-thirds were required; but, I think, under that Act, one-third was quite sufficient to set the Commissioners' power in motion, and Parliament,

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in giving such a large power to a small section, wished to hedge it about with some restrictions; are you aware of the section that applies to that?—It is the proviso to the 25th section: "Provided, nevertheless, that it shall not be lawful for the Commissioners to refer such application to the Assistant Commissioner to take any further proceedings upon any such application, unless it shall be made to appear to him or them respectively, that the persons making such applications represent at least one-third in value of the interests in the lands therein proposed to be inclosed." Whatever the reason that may be assigned, the fact is that you were obliged to go to Parliament, and then this Act, which is to facilitate the inclosure of commons, provides that, with regard to a certain number of commons. The authority of Parliament should be required for inclosure; and it assigns, in this particular clause, the reason why there should be the previous authority of Parliament, namely, the unlimited rights of common which these parties enjoyed. Then the 14th section further carries out the policy of the previous Acts in relation to such lands within certain distances of large towns: "Provided also, and be it enacted, that no lands situate within 15 miles of the City of London, or within two miles of any city or town of 20,000 inhabitants, or within three miles of any city or town of 30,000 inhabitants, or within three miles and a-half of any city or town of 70,000 inhabitants, or within four miles of any city or town of 100,000 inhabitants, shall be subject to be inclosed within the previous authority of Parliament in each particular case as hereinafter provided; and in all such cases the number of inhabitants shall be ascertained by the then last Parliamentary census thereof, and that the distance shall be measured in a direct line from the town hall, if there shall be any town hall; or, if there shall be no town hall, then from the cathedral or church, if there shall be only one church; or, if there shall be more churches than one, then from the principal market-place of such city or town." I judge, therefore, from this proviso, that Parliament not only retained its former opinion with reference to the policy of keeping these open spaces, but deemed it expedient to extend the distance round large towns and cities, to which the restrictions should extend, and certainly that proviso does it to the extent which is there mentioned. At first, under the General Inclosure Acts, Parliament was not obliged to be consulted in those cases. Subsequently Parliament reserved to itself the absolute right to exercise its discretion upon the proposal to inclose. Then the 30th clause indicates, also, the feeling of Parliament with reference to this object. It provides: "That in the provisional order of the Commissioners concerning the inclosure under the provisions of this Act of any waste land of any manor on which the tenants of such manor have rights of common, or of any other land subject to rights of common which may be exercised at all times of the year for cattle *levant* and *couchant*, or to any rights of common which may be exercised at all times of the year, and which shall not be limited by number or stints, it shall be lawful for the Commissioners to require, and in their provisional order to specify, as one of the terms and conditions of such inclosure, the appropriation of an allotment, for the purposes of exercise and recreation for the inhabitants of the neighbourhood, not exceeding the quantity hereinafter mentioned applicable to each case," regulating the number of acres which should be appropriated for the purpose of exercise and recreation, according to the population, with which I need not trouble the Committee. This shows, I think, very clearly that Parliament still had its eyes on the interests of the public, as distinguished from the interests of those who were interested as commoners, or as lords in the lands that were about to be inclosed. Also in the 31st section there is a provision for allotments for the labouring poor; "And be it enacted that, in the provisional order of the Commissioners concerning the inclosure under the provisions of the Act, of any waste land of any manor on which the tenants of such manor have rights of common, or of any land whatsoever, subject to the rights of common which may be exercised at all times of the year, and which shall not be limited by number or stints, it shall be lawful for the Commissioners to require and specify, as one of the terms and conditions of such inclosure, the appropriation of such an allotment for the labouring poor as the Commissioners shall think necessary with reference to the circumstances of each particular case; such allotment, nevertheless, to be subject to a rent-charge, to be payable thereout to any person or persons who may be entitled to allotments under such inclosures, as hereafter provided; and if, in the provisional order for such inclosure, the Commissioners shall not have required the appropriation of an allotment for the labouring poor, the Commissioners shall, in their annual general report, state the grounds on which they shall have abstained from requiring such appropriation;" so that the conditions imposed upon the inclosure of such lands were, that they could not be inclosed without the consent of Parliament within a certain distance of any town, and where there was an inclosure there should be an allotment for exercise and recreation, also for the labouring poor.

336. Mr. *Goldney.*] Not absolutely, I think?—"It shall and may be lawful."

337. It was permissive?—Yes; so the former section was.

338. *Chairman.*] If they do not, they are to state the reasons against?—If they do not, they are to state the grounds for not doing so. It seems to me, therefore, from the shape which these provisions assume, that the Inclosure Commissioners are the persons who are intended by Parliament to represent the public, and are not intended to represent, or facilitate, or promote the interests merely of the lords or the commoners; but they are really to stand between the lords and the commoners and the public, using the word "public" in the larger sense, and not merely those who have rights of common, or those who live in the neighbourhood, but as Inclosure Commissioners appointed or paid out of the public funds, they are really the representatives of the public. The next Act of Parliament to which I wish to draw the attention of the Committee is the 15 & 16 Vict. c. 79, which was passed in 1852, and is intituled, "An Act to amend and further extend the Acts for the Inclosure, Exchange, and Improvement of Land." The first clause provides that, "notwithstanding the provisions in the said firstly-recited Act, it shall not be lawful for the Inclosure Commissioners, after the passing of this Act, to give notice of their intention to proceed with

with the inclosure of any lands without the previous direction of Parliament; and no land shall be inclosed under the said recited Acts and this Act without the previous authority of Parliament in each particular case, as in the said firstly-recited Act provided with reference to waste land of any manor on which the tenants of such manor have rights of common, and other lands therein particularly mentioned." It therefore, I think, justifies the inference that, whereas from time immemorial all Inclosure Acts had been passed because Parliament thought that the true policy was to encourage inclosures, for reasons very sufficient at that time; that there was an indication of the turn of the tide, if I may so speak, and that the public interest, which for a long series of years (for centuries, indeed) had lain always in one direction, and which for so long had claimed these inclosures had now come to tend rather in the opposite direction, I can hardly explain this provision, except upon the supposition that that was the opinion of Parliament. Previously the authority of Parliament was to be had in each particular case. In fact, the firstly-recited Act provided, with reference to one case, namely, waste lands, means by which the tenants' rights of common, and other things therein particularly mentioned, could be preserved. I do not think it is necessary to trouble the Committee with any other provisions of that Act. I will now go to the last Act, which is one that must be familiar to all the members of the Committee, namely, the 29 & 30 Vict. c. 122, which was passed in 1866. That is an Act intituled, "An Act to make Provision for the Improvement, Protection, and Management of Commons near the Metropolis." It provides in the 5th section: "After the passing of this Act the Commissioners shall not entertain an application for the inclosure of a metropolitan common, or any part thereof" (a metropolitan common being a common 15 miles within the police district of the metropolis, and therefore extending further than any of the former Acts did to a longer distance from London), "but nothing in this Act shall interfere with the carrying on and completion of proceedings under any provisional order of the Commissioners confirmed by Act of Parliament passed before or in the present Session; and notwithstanding any proceedings taken under any Act other than this Act, or any provisional order of the Commissioners made, but not already confirmed by Act of Parliament, proceedings may be taken under this Act in relation to any metropolitan common." Then the 6th clause enacts, that "A scheme for the establishment of local management, with a view to the expenditure of money on the drainage, levelling, and improvement of a metropolitan common, and to the making of bye-laws and regulations for the prevention of nuisances, and the preservation of order thereon, may be made under this Act, on a memorial in that behalf presented to the Commissioners by the lord of the manor or by any commoners, or by the local authority; or in case of a common extending into the districts of two or more of the bodies described in the first schedule to this Act, then by any one or more of such bodies." That is, there were to be no means at all to inclose a common within that distance. All I observe upon that is, which is entirely consistent with the Acts which had gone before, that it shows a growing feeling upon the part of Parliament that open spaces in and around the metropolis should be still further protected, and that that policy has been consistent throughout. With regard to the proposal that is now made, it is quite true that Wisley Common lies just without the boundary of this Act. It occurs to me that it may be said, that as it is not protected by that Act of Parliament, the provisions cannot apply to it, and on the usual steps being taken, it would be right to inclose this common, that is, that some injustice may be done if that claim is not allowed. It does seem to me that, whatever the rights of lords of manors may be, the right of inclosure is not one of those rights. A claim to inclose is a claim over which Parliament exercises an absolute discretion as a legislative body. I draw attention to these short passages of the several Acts with the view of showing what is the growth of feeling in Parliament, and the present state of feeling of Parliament with regard to the subject.

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339. Mr. *Goldney.*] Have you heard the evidence which has been given, that these four gentlemen, the lord and commoners, are the only parties interested in this common; what is to stop them if, without seeking the assent of the Commissioners, they choose to make this inclosure themselves?—They have no power to make the inclosure.

340. Can you state to the Committee any reason which would prevent these four gentlemen making the inclosure themselves, without the aid either of the Inclosure Commissioners or of Parliament?—I apprehend the mere fact of their coming to Parliament is conclusive.

341. Supposing these gentlemen, instead of going through this machinery, instructed their solicitor to prepare, as amongst themselves, a deed defining their separate rights in these 370 acres, which could interfere with them in any way?—They would commit a breach of the Act of Parliament if they did that.

342. These gentlemen having put this machinery in motion, and having ascertained by inquiry that there are only four people interested, do you know anything, or any person, who could interfere with the land, or with them?—I do not know of any person who could interfere with them.

343. What class of the public could interfere with the parties, when they have ascertained, or choose to say, "We are the four owners." I am not putting the question now of the advantage of going before the Commissioners, and getting rid of any questions of estates, whether they are for life, or in fee, or copyhold, or anything of the sort; the Commissioners' fiat, with the approval of Parliament, is sufficient to waive those questions of title; but looking at it as regards the public, is there on the part of the public anybody who could interfere with them; or, if they could interfere with them, how could they do so?—I think that with regard to a place like this, which I had the pleasure of seeing yesterday afternoon, and which is certainly a most beautiful healthy common, through which the Portsmouth road runs, the land of which is undulating, and as wholly inapplicable for any agricultural purpose as anybody can imagine, it is not an unreasonable view of the law to say that the freedom of wandering over this common for centuries is evidence of a public dedication.

344. You want to take up the public dedication view,

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view, but there is nothing to stop these people from dealing with it themselves?—I have not looked minutely into that; I rather assume that they want the assistance of Parliament, or they would not have come to Parliament. I apprehend from what I heave heard, that there might have been a difficulty in obtaining the consent if that course had been taken. I believe, at all events, that one of the parties interested is not desirous of this scheme, and would have required the absolute consent of the parties; it must have been the unanimous consent. The Act of Parliament preserves all rights which any persons may have very effectually, for it says, in the 15th section, "No estate, interests, or right of a profitable or beneficial nature in, over, or affecting the common, shall, except with the consent of the person entitled thereto, be taken away, or injuriously affected, by any scheme, without compensation being made or provided for the same."

345. The first Act says that the Commissioners shall not act within certain limits; the second Act says that they shall not act at all; and the third act says, that they shall not, *quoad* these commons, act at all; that is the effect of it?—Yes.

346. I do not think any one of them has attempted to say that the rights of the parties are interfered with?—Probably there might be no fatal objection if all persons interested, in the legal sense of the term, in the common, were to agree to inclose, except on the doctrine I propound, that there has been a dedication to the public.

347. The question is, whether you can show anything like dedication in this particular instance?—It would be like a vast number of cases where there has not been the slightest restriction on persons wandering over this common, or fishing in its large piece of water.

348. Batting is one of the cases they put?—Yes, undoubtedly; it is plain on the face of these Acts that Parliament has desired to limit the power of the Commissioners and the owners to inclose, and they have carried the restrictions much further under the general policy of protecting open spaces near great towns. I should be inclined to present it in this way: this inclosure must be for a reason; what is the reason. It is impossible to turn this common to account to produce anything. I am not an agriculturist, and therefore I cannot give a scientific opinion. That is the view I take of it, from having seen it yesterday.

349. One of the witnesses who has given evidence says that the present state of the common is productive of ill-health?—I cannot say a word against that; but I can say that I never found a more refreshing air myself than I did yesterday, when I went over it. I am not a resident of the place.

350. Mr. *Fawcett.*] The previous witnesses have described this common as rather a flat damp place, without much beauty; is that the impression produced upon you?—The impression produced upon me yesterday was that it was singularly dry, except where holes had been dug to take turf from; the water had drained into those holes; and in those holes and hollows there is water, as is usually the case with all commons. It is very undulating; and there are mounds on which there were thousands of very beautiful fir trees, which are self-sown.

351. You describe the place as one possessing great natural beauty?—Very great, indeed; I was very much charmed with it; I drove for more than two miles along that road; Ockham is on one side of the road and Wisley on the other.

352. Did you make any inquiry as to the amount of open ground which was left there?—Three hundred and seventy-five acres.

353. Most of the other common land in the neighbourhood has been inclosed, has it not?—I did not inquire, but I could see no sign of the inclosure of Ockham; but inasmuch as the land steward of Lord Lovelace says that it has been inclosed, I suppose that something has been done which satisfies him that it has been inclosed; but I certainly did not notice any inclosure.

354. But still Ockham can be inclosed?—Yes, there is power to inclose it.

Benjamin Scott, Esq., called in; and Examined.

B. Scott, Esq.

355. *Chairman.*] I believe you reside at Weybridge?—Yes.

356. And you own land in the parish of Byfleet?—I am a freeholder at Byfleet, which is the adjoining parish to Wisley.

357. You are not one of the landowners who claim rights of common?—As far as I can gather, the rights of the freeholders in the neighbourhood appear to be involved in some uncertainty; I only acquired freehold land in Byfleet about three years ago; I have not inquired into the subject.

358. And therefore you have not exercised any rights of common?—No.

359. What is the extent of your land?—It is a close of about 12 acres, with two houses in Byfleet.

360. I think you desire to draw the attention of the Committee to your objections to the inclosure of Wisley Common?—I rather want to appear before the Committee as an inhabitant of the neighbourhood, and also as an inhabitant of London, to draw the attention of the Committee, not so much to the legal part of the question, with which I am not intimately acquainted, as to this fact, that the recommendation of the Commissioners to Parliament to inclose this common is inconsistent with the spirit of the 2nd Report of the Select Committee of this House which sat in 1865; a Select Committee "appointed to inquire into the best means of preserving for the public use the Forests, Commons, and Open Spaces in and around the Metropolis." I think I may say that was a very important Committee; it consisted of no less than 21 members; 10 members of that Committee represented the Metropolis or some of the Metropolitan Counties. Mr. Locke King and Mr. Buxton, who are interested in this inclosure, were both members of that Committee, and to a very great extent supported the recommendations which are contained in the Report. The first point that I would desire to direct the attention of this Committee to is, that that Committee did not limit its suggestions altogether to an area of within 15 miles from the centre of London. They state "the limit of 15 miles had

had been first suggested, but several important spaces being situate immediately outside that area, they judged it expedient to extend their inquiry to 22 miles, and subsequently 25 miles, round London, measured from the General Post Office, according to the Ordnance survey; whilst, however, they have admitted evidence in respect of certain open spaces in this extended area, this was done in the first instance for the purpose of inquiry, and not to prejudice the question as to what might fairly be considered the proper limit of a Metropolitan area beyond which these Open Spaces should be considered and treated, more with reference to their agricultural capabilities than as directly affecting the interests of the inhabitants of the Metropolis as places of recreation." They judged it important to ascertain what spaces ought to be treated on other grounds than on the ground of improving the produce of the soil. We find from this Report, and from the proceedings, that they first dealt with a circle of 15 miles radius; they then inquired into a radius of 22 miles, and afterwards into a radius of 25 miles from the centre of London. The common concerning which this Committee is now inquiring is touched by the 19 miles radius from Charing Cross; the centre, I suppose, would be about 21 miles by the road from Westminster Bridge. It was not the intention of the Committee at all to limit to 15 miles legislation for protecting common land near London. They say a little further on in their Report: "Any area which may now be fixed may be found too small in some years' time; but, looking to the necessity of fixing some area, they are inclined to recommend that the district of 15 miles radius from the General Post Office, according to the Ordnance Survey (the limit prescribed by the General Inclosure Act of 1845), be adhered to for the present as the Metropolitan area to which special legislation with a view to the inhabitants of London should in the first instance be directed." Parliament did not carry out precisely that recommendation, but rather exceeded it. In 1865 you will notice the Committee recommended that the radius of 15 miles should be taken from the General Post Office; but the Act of 1866 included the whole district within the Metropolitan Police area; that area is 15 miles in some directions, and in another direction it is 21 miles from Charing Cross.

361. In which direction?—In the direction of Staines. The parish of Staines is included in that direction for over 20 miles. Twenty-one miles must be the extent of the radius from Charing Cross to the parish of Staines.

362. It is not so as to the town of Staines?—The town of Staines is included within the Metropolitan Police district; the parish limits of Staines are also included.

363. The extreme limit is two or three miles further, is it not?—I am not aware; I think the Metropolitan Police district includes the whole parish of Staines, because it includes the whole of the district in which the London coal duties are collected. I am connected with the receipt of those duties, and I know that their limits reach to the whole parish of Staines, in Middlesex. The Report further states, "In the case of a proposal to inclose any spaces beyond the prescribed area, in which the Metropolis is interested, Parliament will have an opportunity of considering the requirements of that particular case;" that is the case of any town outside 15 miles, "upon a Bill for its inclosure." I therefore contend that the obligation is thrown upon this Select Committee, and upon Parliament, to determine from time to time the precise limits of the Metropolitan district with reference to this question. I may state, then, that with reference to the interests of the public, as set against the question of the agricultural capability of the land, that with regard to this Common it is utterly impossible that any produce will ever be obtained from it. It will not grow a blade of grass, except where the sand drifts from the high road; there is a little grass on the verge of the road, and it could not, under any circumstances, be made to grow corn. It grows nothing but the rough scrub and heath; indeed it is waste land throughout, except in those holes where the turf has been dug out, and where bog has been formed by that artificial excavation of the common. I have been acquainted with the common for over 30 years. I have driven horses, ridden across, and walked across it, all those years, more or less. I have lived in its immediate vicinity now for 15 years, and it is a source of very great recreation and health to the people of the neighbourhood. It would be a very great loss to the inhabitants of the neighbourhood if it were inclosed.

364. Is it, according to your knowledge of the facts, that the common is greatly used for riding and walking upon?—It is increasingly used; it is 19 miles from London; of course it is more used of late years than it was. A very large quantity of land in the neighbourhood having been inclosed; for instance, St. George's Hill was perfectly open, that is now inclosed and is only used by permission of Captain Egerton. A large portion of Walton Waste has been recently inclosed in the immediate neighbourhood by some charity trustees, who had the power, I suppose, to let it on building leases. A large quantity of land is inclosed immediately adjoining this common, so that it is becoming increasingly valuable to the inhabitants in the neighbourhood and of the Metropolis.

365. Is it more used for walking or for riding?—It is used for both. The humbler class of persons use it walking and picnicing; it is very greatly resorted to by persons who take an interest in natural history, it being very wild; there are large numbers of plants and insects there, which are not to be found in a mere field, but which are found there in great plenty. Indeed, my own family have acquired a knowledge of botany from frequenting that district, the two commons of Ockham and Wisley, which are adjacent.

366. Mr. *Fawcett.*] Ockham is inclosed, is it not?—There was authority obtained to inclose it in the year 1863; it is perfectly uninclosed at present.

367. But when that is inclosed, which it may be any day, the public may lose it?—It may be inclosed any day, There is one other point to which I wish to advert. The Committee of 1865 took a great deal of evidence upon the use of these Open spaces, for the purpose of encouraging the Volunteer movement and the Militia service. They say, "They have received the testimony of distinguished officers, both of the volunteer and militia services, that the existence of these bodies depends on their having ready and convenient access to their training grounds, and that the preservation of the Commons adjoining the Metropolis is absolutely necessary to the maintenance of those corps in a state of discipline and efficiency."

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efficiency." I may state that this common has been used for that purpose, and that Mr. Buxton, as colonel of one regiment, invited on one occasion I know, for I was present, and on other occasions I believe, large bodies of the volunteers to a military display and sham fight on Wisley Common. They also, in their Report, lay very considerable stress upon preserving spaces near populous places open. "Your Committee," they say, "are at a loss to conceive why, upon general principles, a right of enjoyment which may be acquired by the inhabitants of a small hamlet, should be denied to the inhabitants of the Metropolis, or even to the general public. They find, on the contrary, that the Legislature has recognised and acted on the existence of some such right; for, by the General Inclosure Act of 1845, which empowered the Inclosure Commissioners to deal of their own authority with the cases of commons in general, it was provided (sect. 14), that no inclosure should take place, under the provisions of that Act, within 15 miles of the City of London, or within certain distances of towns of a specified magnitude, without the previous sanction of Parliament in each particular case (a provision manifestly grounded in a belief on the part of the Legislature of the existence of some rights possessed by the inhabitants of the Metropolis)." Mr. Wingrove Cooke, one of the Inclosure Commissioners, gave evidence, which is quoted in the Report to this effect, "That if we find the opposition is not great, and if we find that there are advantages in an agricultural point of view, because, I take it, we do not consider that it is for us to determine whether upon public points of view it is right that they should be inclosed, because they come before Parliament afterwards." Mr. Wingrove Cooke's evidence is, that the obligation to judge as to what is right for the public, is devolved upon Parliament; that the Inclosure Commissioners do not take that into their consideration; they report an application from parties interested; they inquire into the rights of lords and commoners, and persons who have rights on the common, but they leave to Parliament to consider the public rights, and whether, upon the whole, the common should be inclosed. The Committee further state, "With regard to commons near large towns, as these latter have rapidly increased in population, the necessity of providing open spaces for health and recreation, has become paramount to the mere improvement of those lands in an agricultural sense; seeing that the inevitable result of the inclosure by private individuals of lands in the populous suburbs of the Metropolis, would be not even agricultural improvement, but building." The 30th section" (that is the 30th section of the General Inclosure Act, 1845) "is explained by Mr. Wingrove Cooke to have reference to rural parishes; and the maximum provision made by it of 10 acres, is manifestly inadequate to the wants of the Metropolis. It appears to your Committee, however, that from this enactment two important principles may be deduced with reference to the present inquiry. (1.) That Parliament regards the granting facilities for inclosure as a boon to the parties, and, consequently, that in the public interest any terms may be imposed, or that the privilege may be entirely withheld; and (2), That the inhabitants of the neighbourhood of commons are to be considered as having certain *primâ facie* rights of exercise and recreation over those spaces. Mr. Burrell stated distinctly that he considered the granting of an Inclosure Act of Parliament, a boon which Parliament might justly refuse at discretion. The long continuance of the practice of the inhabitants of London to resort to open spaces for recreation, and its decided tendency to promote their health and happiness, and to draw them away from pernicious amusements, appear to your Committee sufficient reasons, apart from the mere legal questions of the case, why the Legislature should decline to sanction any measures which may indirectly deprive the public of the advantages they have so long enjoyed, and the necessity for which is daily increasing." Now, if the Committee will allow me, I will put a few figures before them as to the increase of population, in order to show that the Committee were justified in looking at this as a question of increasing importance.

368. *Chairman.*] Before you pass away from the common itself, will you allow me to ask you this question: I asked you whether the ground was much used for exercise, and you answered that it was increasingly used; can you give any estimate of the largest number of persons whom you have seen using it on any one day, apart from the Volunteers, and people of that class?—I need not tell you that in the winter these commons are bleak, and not agreeable places; but in the spring and summer months the whole of the inhabitants of the neighbourhood, who have carriages and horses, take exercise there. I have been accustomed to drive across this common, and I look on it as one of the most healthy open-air spaces in the county of Surrey.

369. Do you mean that the ground is so firm that they can drive upon it apart from the road? Yes; there are green turf tracks on which horses and light carriages can pass all over the common. I succeeded to the estate which I now hold in Byfleet a lady who had lived there 45 years; she had been accustomed during the whole of that perod to drive in various kinds of carriages across this common in all directions, and Ockham Common, too. There are gentlemen present who use it even more than I do; gentlemen who hunt upon it.

370. Mr. *Fawcett.*] Do you know the size of Ockham Common? — Ockham Common is 400 acres.

371. Then, of course, when Ockham Common is inclosed, as it will be, and St. George's Hill shut up, the number of people who use Wisley Common will greatly increase?—No doubt that will be the result.

372. You describe it, not as we have heard from the previous witnesses, as an open flat with miasma, but a place peculiarly healthy, a bracing place?—I should think there is not a more healthy place in the kingdom, except in the wet months of winter, when, as is well-known, the River Wey for a length of 30 miles occasionally overflows its banks, and sometimes the water rises in the holes on those occasions.

373. During the summer months, when it is used by the public, I understand you to say, that it is a place of great natural beauty, and extremely healthy?—I do not know any place in the county of Surrey, which I am thoroughly acquainted with, which is more healthy and invigorating.

374. It has been suggested that the four persons who have rights on this common, namely, Lord Lovelace, Mr. Buxton, Mr. Locke King, and the Rector, may inclose this common without coming

coming to Parliament; if they attempt to do so, do you think the public living in the neighbourhood would protest?—They cannot inclose without coming to Parliament.

375. What would be the means you would use to prevent them; you would assert the right of user?—They must obtain the consent of every person who has any interest in the common, and as many of them are infants, they could not inclose without coming to Parliament.

376. Therefore, there would be other persons interested besides these four gentlemen?—All these gentlemen have children and families, besides others whose rights are very uncertain.

377. You have no means of knowing whether their estates are settled or whether they are the absolute owners?—I apprehend Lord Lovelace's estates are settled. Besides which, the rights on that common are very doubtful. You have heard that there have been no courts held about the inclosures; therefore the whole thing is in great confusion. Almost all the commons of London would be inclosed to-morrow if all the parties could be found and dealt with, but fortunately for the public it is the case that those rights cannot be exactly ascertained.

378. *Chairman.*] There are other interests, I imagine, than those of the four gentlemen who have been named?—There are other rights, because Mr. Locke King claims rights in Byfleet parish. I have no doubt it will be found on inquiry, that there are other interests.

379. Mr. *Frederick Stanley.*] It has been stated by one of the previous witnesses, that the Inclosure Commissioners gave the notices before making their report, and it has been also stated that no objection was made by any person at the time of the Commissioners holding their sitting; can you, from your own knowledge, state that the contrary is the case?—I did not hear of there being any intention to inclose either Ockham Common or Wisley Common, although power to inclose one was obtained in 1863. The notices must have been given in that private way that it certainly came like a surprise upon the whole neighbourhood. I am sure that no one outside the circle of gentlemen immediately concerned could have heard of it.

380. Can you state, from your own knowledge, that the notices given by the Inclosure Commissioners were given in a way distinct from the way in which they are ordinarily given?—No, I am not prepared to say that. I am not prepared to impeach the notices or any of the proceedings of the Commissioners, or of the parties; but I say it came like a surprise upon the neighbourhood. I should say that the notices were put on Wisley Church door, which I should tell the Committee is little more than a barn with a turret to it situate in a farmyard, and is frequented only by a few cottagers who are resident in the neighbourhood.

381. Still, if the notices were posted and the Act of Parliament complied with, the inhabitants could have very little reason to complain of the manner of posting them?—We do not complain of the manner of posting them; we have not complained of the proceedings, and we do not for one moment question the rights of these parties to do what they have done; but we say that they have no right to inclose the common without the consent of Parliament, and we are here to give public reasons why Parliament should not inclose it.

382. There appeared to be in your mind some doubt as to whether the rights of the owners were very strictly defined; the object of my question was to ask you whether, if there had been any such doubt as to the rights of the four proprietors whose names have been mentioned, the objection should not have been taken by the other inhabitants at the time the Inclosure Commissioners first held their sitting?—The only doubts which I have heard expressed on the subject were those which were expressed by a witness this morning, namely, that there had not been, as there should have been, proper courts held to register the inclosures and encroachments on the common. There may be other parties, who have not heard of these proceedings, who may be living elsewhere. I am not here, as I said before, to call in question the order of the proceedings or the legal rights of the lord or any other person, but merely to say that Parliament, before making a concession of this kind, has of late years required that it should be settled by consent, with certain rights of the public to recreation ground and to breathing space. I was about to give the Committee a few statistics to show how very important, in a statesmanlike point of view, this subject is. I had my attention drawn to it a few years ago, when I had occasion to travel by the Eastern Counties Railway, in the month of October, upon a fine Sunday morning. The crowd at the terminus was so great that it was several hours before I could get a seat in a carriage by that railway. That opened my eyes to the fact that enormous masses of people, respectable, orderly, decent artisans, and their families, of this Metropolis, crowd out of London on certain occasions when the weather is fine, in order to get breathing space in the districts round about it. It made a serious impression on my mind. I found upon inquiry that tens of thousands, in fact, I may say on some occasions hundreds of thousands, of people go down by the railroads and all kinds of conveyances to Epping Forest, and the districts round about London, in order to enjoy a breath of fresh air and a little exercise, where they can do so with freedom. I have looked into the matter, and have taken some interest in the subject since. I was going to show what the Population is, and the rate at which it is increasing, and what it will be in a few years. By the Census of 1861, the population, within the metropolitan police district, was 3,222,717 persons. I have ascertained, from the reports of the Registrar General and from the Census Reports, that the increase of the population in London was going on steadily, and almost constantly without any variation, from 1801 to 1861, at the rate of 19·6 per cent., or nearly 20 per cent. every 10 years. By the next census, which will be two years hence, in 1871, the population of the Metropolis will be 3,854,366 persons at the same ratio of increase. In 22 years hence, which will be within the limits of the lives of most of us, in 1891, the population of London will be 5,513,328. In 42 years, that is to say in 1911, it will have risen to 7,886,338 persons; and in 50 years, or half a century, which is not a very great time for statesmen to look forward to, the population of London will be 9,532,060 persons, one-third of the present population of England. The Census Commissioners in 1851 gave us also these figures under the head of "Density of Population of London." The number of square yards of land to each of the

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the population of the Metropolis, supposing them to be distributed over the area equally, was, in 1801, 394 yards. This had diminished, in 1851, to 160 square yards to each person, assuming the area to be equally distributed. In 50 years, which, as I said before, is no very long period for a statesman to look forward to, there will be only 22 yards and a fraction to each person, at the rate at which the population is increasing. Then, with respect to every inhabited house in the Metropolis, the Census gave us these particulars: Each inhabited house of the Metropolis stood upon land, in 1801, equal to 2,784 square yards; that is to say, that there would be to each house on an average 2,784 square yards of land. That became reduced, in 1851, to less than half, or 1,234 square yards. In about 32 years from this time, that is to say, in about A.D. 1901, more than the whole area will have become covered with bricks and mortar, at the same rate of progression; that is to say, the houses will be standing, to some extent, one upon another. I put these facts forward, although I do not pretend but that they conduce to an absurd result, in order to show how very great must be the crowding out of the population into the surrounding districts of the Metropolis during the next half century if these results are not to be brought about. The creation of railroads has, providentially, I may say, provided for the distribution of this dense population. It is only by railroads that we can escape from this wilderness of brick and mortar, and from the vitiated state of the atmosphere which prevails in the denser parts of London. This Wisley Common can be reached by railroad now in little over an hour. If you go to Walton Station, which is 16 miles from London, it is only three miles from that station and three miles from Weybridge.

383. *Chairman.*] Is Wisley Common at present mostly frequented by persons from the metropolis or from the neighbourhood?—Not very largely by persons from the metropolis; but it is frequented by the inhabitants of Kingston, Surbiton, Walton-on-Thames, Weybridge, and the surrounding neighbourhood, very largely.

384. Do you mean that they drive over from Kingston, for instance?—They drive over from Kingston and from the railroad. I may state that on the Sunday the number of persons who accumulate at Weybridge Station, where I reside, to go up by the last train in the summer time, is so great that there is not room to stand on the platform. I have seen crowds there consisting of numbers of persons who come from London in the morning to visit these wastes and quiet scenes rather than go to more public places. They are so numerous that I have seen the platform even incapable of accommodating the crowds of people who arrived there to go up by the last train.

385. Do you mean that any large proportion of those go to Wisley Common?—An increasing number. My impression is, that you are not legislating for the hour or the day merely; you are legislating for that which will be far more important. If this land passes by your decision, by giving rights which do not now belong to the lord, to inclose; if you give him that right this land will pass from your hands as mere land for shooting rabbits and cutting turf, which is all that it produces; it is now worth 5 *l.* an acre. But if you give him this right, in a few years it will be worth 500 *l.* an acre. It is worth more than 100 *l.* an acre now as building land, but in the course of a few years it will be worth 500 *l.* per acre. Parliament will find that the day will come when they will have to buy such lands back again, and then it will have to acquire them at any price in order to accommodate the vast mass of population that will then be found in this Metropolis. I may state that the land on which my own house stands was part of the waste of Weybridge 70 years ago. In my recollection that land was not worth 5 *l.* an acre. It will not grow grass, but by a very large amount of manure being applied to it every year. It is common sand. That land is now selling at 500 *l.* per acre, which was only worth 5 *l.* an acre within my recollection, and that is simply owing to the formation of the South Western Railway through it. The same result will take place in the case of the land with which you are dealing to-day; within a very few years, within the lifetime of most of the persons now present, that land will be worth several hundred pounds per acre.

386. Is your position that the provisions of the Metropolitan Commons Act, 1866, ought to be applied generally to an extended radius of 20 or 25 miles round London, or that we ought to refuse to sanction this particular inclosure, on account of the peculiar inutility of the land for cultivation, and its peculiar usefulness for the purposes of recreation?—I contend that it is perfectly useless, with the view of increasing the food of the people. It never will be cultivated; it will become very valuable building land, if the right to inclose is given to the lord, as proposed, and to the parties entitled. It is exceedingly valuable to the public, as an open recreation ground for the use of the people; and I contend that if you determine, which in your wisdom you might determine, that it ought to be inclosed, because certain steps have been taken, and certain notices have been given, and certain inquiries have been made, then it would be well on the part of this Committee to consider whether some further limit should not be devised to protect such open spaces near the Metropolis from being inclosed in future; that is to say, if you in your wisdom should determine that this has gone too far to save it, which I do not at all assume for a moment, then this Committee, even, might report to the House something that might protect other open spaces which are very valuable within a radius of 20 or 22 miles from London, so that this inquiry need not be quite unprofitable, but that a portion of Common land near London might be preserved.

387. Mr. *Fawcett.*] When the inquiry took place in the neighbourhood, with regard to the inclosure of Wisley Common, of course, there were other inhabitants who, like yourself, had an indirect interest in this common?—Yes.

388. Was that point not asked about?—No; I do not think anyone outside the circle of the parties immediately interested ever heard of it.

389. It was not the business of the Inclosure Commissioners in their inquiry to ascertain what the opinion of anyone was, except those who are supposed to have rights of common?—Property rights.

390. Therefore, neither the inhabitants nor the public living at a greater distance who used this common, were in the least degree consulted?—Not at all; they never heard of it. I have spoken to more than 100 persons in the neighbourhood, at the very least, since these Parliamentary

liamentary proceedings, and I have not found anyone who had heard of such a thing taking place. Mr. Buxton could not tell me for certain whether Ockham was inclosed. He and I searched for the Act in the library of this House, where we found it. The public generally have no means of knowing what is going on.

391. Are we to understand that you, living in the neighbourhood, prizing this common very much, looking with great interest to its preservation, and valuing it very much, never heard of the proposal to inclose it until the thing was nearly done?—I never heard of the proposal to inclose Ockham five years ago; and I never heard of the proposal to inclose Wisley Common until the Bill was brought in by Mr. Bruce, and read a first time.

392. Therefore, we may conclude that the persons in the neighbourhood had not a sufficient opportunity of making their negotiations?—They had no opportunity whatever. I have stated that the church of Wisley is one of the most rural and retired places in the kingdom; it is in a farm yard, and you might ride for 20 years in and about that common without ever seeing the church. I apprehend the notice was placed on the church door, according to the law. The law is defective as I consider, but I do not state that the parties have departed from what is the usual practice.

393. You make an accusation rather against the law than against any person?—Yes; there is no public notice in the sense of calling to it the public notice of the inhabitants of the neighbouring parishes.

394. You say that this land has no agricultural value; has it any sporting value at the present time?—Yes; I think that the manorial rights would be worth something for sporting. There are rabbits and a few pheasants and hares upon it.

395. Do you think that the wish to protect game against trespassers has had anything to do with the desire of the lord to unclose it?—Perhaps it may; I have no reason to say so.

396. You have stated that great crowds come down to Weybridge in the summer months?—Yes.

397. Many of them do not go to Wisley, but to other grounds in the neighbourhood?—Yes.

398. They only go to those other grounds on sufferance?—At St. George's Hill that is particularly the case.

399. And Ockham too?—And Ockham too.

400. And therefore it seems to me that this is a very important question, because the only piece of ground of importance which the great number of the inhabitants of London, and other people who resort to Weybridge, have any right to use as a public ground is this Wisley Common?—It is now one of the principal open spaces.

401. There is no other space at all to be compared to it?—No.

402. There is no other tract of ground preserved in a state of nature?—Not to be compared with it in respect to its picturesque beauties, and its retired advantages.

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403. And in size, too?—And in size, too. There is one point which I wish to lay before the Committee; that is, in consideration for making the very valuable concession that Parliament is asked to do in this case, there is no adequate return made to the public; I wish the Committee particularly to take notice of that. This is property which is now only used for sporting purposes, and land of very little value as building ground while it is uninclosed; but all of a sudden it is to be inclosed which will convert it into valuable building freehold ground. I submit that at the very lowest figure it will be worth 37,000*l.* to the parties interested; but the public receive no adequate return for such a valuable boon received from Parliament. This Report of 1865 states, as is the fact, that if the parties have no right to inclose that inclosure, it is a concession made to them by Parliament, and without any adequate return to the public. If the parties acquired the right by inheritance they would have to pay the public Succession duty; if it had been inclosed, and had been of the slightest value to its possessors, they would have paid from year to year Property tax upon it; but as it has remained open it has paid no Property tax; it is not rated like other freehold land in the neighbourhood, which has had to pay Parochial rates, County rate, and Police rate. In truth, it is a piece of property which has been growing in value, and provided Parliament will give the power to inclose it, it becomes a very valuable concession on the part of Parliament; therefore, I contend that it is the duty of Parliament, representing the public, to say, if such a concession is made, that some way or other the public should receive some adequate return for the concession which is asked for.

404. Mr. *Frederick Stanley.*] That statement goes to the root of all Inclosure Acts; any compensation that is given is based, is it not, rather on the state of the land at the time of the inclosure than with reference to what it may possibly hereafter become?—I understand that Parliament in making all concessions of inclosures have in view, as Mr. Chambers explained, the increase of food for the people; that is to say, land which is out of cultivation is brought into cultivation by the inclosure. In this case there is no such return to the public; therefore, I contend that this Committee should consider what the public ought to receive if this very valuable concession is made to the lord and the parties entitled.

405. *Chairman.*] I conclude from the memorandum, which I find on one of the papers of the Inclosure Commissioners, that this meeting was advertised in the "Surrey Standard"; you cannot state whether it was or was not?—I cannot; I have no doubt that it was; but it is not a paper which is largely circulated.

Mr. Frederic William Goddard, called in; and Examined.

406. *Chairman.*] I believe you hold an office in connection with the Metropolitan Board of Works?—I am one of the assistant surveyors of the Metropolitan Board of Works. The Board have directed me to make a survey of this common. I have been over it. I have listened to the statements which have been made with regard to its agricultural and building value by the last witness, Mr. Scott, and I perfectly confirm what he has stated with regard to that, and also what he has said as to its position, its picturesque nature, and its adaptability for building purposes,

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poses, from its beauty, from the salubrity of the air, and the very agreeable neighbourhood in which it is situated. But, at the same time, my attention has been called by direction of the Board to the commons and open spaces within a radius of 15 miles round London. I find from time to time such great encroachments have been made upon them by the acts of various owners, and various people on the homage surrounding it, such as trespassing, squatting, and so on, that their space has been very seriously infringed. Looking to the demands of the population, and the increased demands to which we must look prospectively for the future, it cannot but be thought that it is a very great necessity to preserve a space like this, which is of great beauty, which presents features that some other commons do not, which draws a large proportion of the perambulating inhabitants of London, at periods of summer time, to it in pursuit of entomological and botanical researches, and so on. I have never seen a parallel space round the metropolis to be compared with this space. As to agriculture, it is so poor that it would not support a whip-poor-will, as they say in America, to the acre. The only use which agriculture seems to be likely to make of it is digging out the peat, superinduced by the deposit of wet in the winter season, for the purpose of growing azaleas, rhododendrons, and that tribe of plants.

407. Is it within your district?—No; it is six miles beyond the radius of 15 miles; it is about 21 miles from the metropolis.

408. The metropolitan police district is longer than yours, is it not?—The metropolitan police district is different from that of the Metropolitan Board of Works.

409. Mr. *Fawcett.*] It is just outside the metropolitan police district, is it not?—It is just outside.

410. How far?—About four miles. I have had occasion myself to travel to Weybridge very often, for Chertsey, where my children were at school, and I recollect the large assemblage of people on the platform, to which Mr. Scott referred, as present on many occasions when a fine day presented itself, so that they could get out of town.

411. *Chairman.*] You were speaking of the commons that are within the district excepted by the Act of 1866; have you obtained any statement as to the number of acres which are available as commons within that excepted district?—I have not prepared any tabulated statement.

412. Have you satisfied yourself at all?—In explanation of that, I may say that I am alluding more especially to Tooting Common, to Blackheath, to commons in the immediate district of the metropolis, to Epping Forest on the north and east, and to the districts of the London Fields, and Hackney Downs, and so on, which at one time were enjoyed by the inhabitants; but from which, owing to the constant passage, the turf has become completely obliterated, and has necessitated people going still further out of town.

413. You cannot inform the Committee what acreage of common is still available within the district excepted by the Act of 1866?—I have made no calculation of that.

414. Mr. *Fawcett.*] Of course this conclusion is obvious, is it not, that ever since the passing of the last Act affecting metropolitan commons, the population of the metropolis has been increasing, and the commons have been diminishing?—I think that is a self-evident fact.

415. Since that time there have been great encroachments, have there not?—Yes.

416. Tooting Common has been, to a great extent, destroyed, I believe?—Yes, it has by the railway.

417. And Wandsworth Common also?—Wandsworth Common has been equally encroached upon. I can speak to a place within my own knowledge, for I have lived close to it, which is a very great resort for the inhabitants of the southern districts. There is a place called the Black Sea, at Wandsworth Common, which is very picturesque, and is a place of constant resort for the people to take air on Sundays; but now the common has been encroached upon, and is rendered much less available than it was 15 or 16 years ago.

418. *Chairman.*] Those encroachments have not been made since 1866?—One or two have been made since, but most of them were made previously.

419. Mr. *Fawcett.*] Still, even since 1866, there has been no doubt that Tooting Common has been very much spoilt by the encroachments that are constantly taking place?—Undoubtedly; so much so that an interference took place on the part of the inhabitants surrounding it, and the rights were purchased by them in order to preserve the common.

420. So that you can state from the information you have obtained in your official capacity that the open spaces and commons round London have a tendency to grow smaller, whereas, as we have been informed, there is a greater necessity for them on account of the great increase which is taking place in the population?—Undoubtedly.

421. Is it considered to be part of the duty of the Metropolitan Board of Works to resist any encroachments which are made upon commons within their jurisdiction?—The Board have felt it to be their duty on behalf of the public to protect as much as possible the enjoyment by the public of these open spaces, and have taken steps to prevent it by petition and other means.

422. Do they do so by legal proceedings?—Very largely.

423. *Chairman.*] Are you making this statement as a gentleman connected with the locality, or are you speaking on behalf of the Metropolitan Board of Works?—I am directed to attend here on behalf of the Board.

424. Mr. *Fawcett.*] Is there any pool of water on Wisley Common in which there is fishing?—There is a pool of water on the opposite side of the road. I cannot state whether that is on Ockham Common or on Wisley Common; I believe from the information I have received that it is on Wisley Common. It is a pool of water of great beauty.

425. If that is preserved, and there are fishing and bathing allowed to take place there, that would be a great attraction for the London people?—It is greatly resorted to for that purpose.

426. *Chairman.*] Is that pond affected by this proposed inclosure?—That depends upon the answer which I have already given, namely, that I cannot state whether this sheet of water is in Ockham parish or Wisley; I think it is in Wisley parish.

427. Mr. *Fawcett* (to Mr. *Marshall*).] Is that pond already inclosed?—It is inclosed, but it is open to the public.

428. In

428. In what way is it opened; is it reserved by the Inclosure Commissioners, or is it dedicated to the public?—It is not intended to be reserved at all.

429. Does Lord Lovelace intend to give it to the public?—The landlord of the inn just by has a right of using the pond, and any customer of his may use it.

430. Still it is a right that the public may be deprived of?—It is Lord Lovelace's own property, no doubt, just as much as the manor is his own property.

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WILLIAM WYKE SMITH, Esq., called in; and Examined.

431. *Chairman.*] YOU are the solicitor of the Metropolitan Board of Works?—I am.

W. W. Smith, Esq.

432. Will you state what proceedings have been taken by the Metropolitan Board of Works in order to protect the rights of the public with regard to open spaces and commons?—I believe the Committee are perfectly well acquainted with the provisions of the Act of 1866. Under that Act it is the special duty of the Board to attend to all matters connected with open spaces to which that Act refers, and to preserve every open space that they possibly can, and to take care that there is no encroachment of any kind upon commons. The Board have not very ample powers to prevent the further encroachments, or to deal with interests in order that the public may have the benefit of open spaces to the greatest possible extent, but they exercise such powers as Parliament has given them, with the view of protecting the interests of the public. It has been a matter of deep regret to the Board that they have not been able to secure some prominent commons to which Mr. Goddard has alluded; that is to say, for instance, Hampstead Heath. The Board at a great number of intervals have made all sorts of attempts to get in the interests of the owner, or the supposed owner, of that common, in order that it may be more certainly and generally devoted for the benefit of the public. The way in which the Inclosure Commissioners have viewed the subject of proceeding under the Act, has been this: wherever there has been litigation with regard to these commons the Inclosure Commissioners consider that their jurisdiction is, for the time, ousted. There is a suit pending with regard to Hampstead Heath. There is a suit pending with regard to Wandsworth Common, and I think I could mention three or four other commons as to which there is litigation, the result of which has been absolutely to prevent the Board for the time from doing anything in order to preserve those commons for the public.

433. What have the Inclosure Commissioners to do with the matter?—The Inclosure Commissioners are to present a scheme to Parliament. The matter originates in this way: the Metropolitan Board of Works present a memorial.

434. What did you mean by alluding to the way in which you have been met by the Inclosure Commissioners?—It is the duty of the Board under that Act to present a memorial to the Inclosure Commissioners. The Inclosure Commissioners are the body who are to prepare a scheme to submit to Parliament.

435. You mean that they tell you, "We cannot get on at present, because there is litigation"?—That is the practice. They say, "It is of no use going into a discussion upon these subjects while litigation is going on." Therefore the Board has been very much stopped for the moment in their proceedings on that account. Of course I do not blame the parties interested; they are merely asserting their rights; but, in consequence of this litigation, the Board have been delayed very much. However, that has naturally increased the anxiety of the Board to do everything they can in every direction to secure open spaces for the public. They have felt, no doubt, upon this subject, very considerable anxiety. They presented a Petition to the House of Commons while the Inclosure Bill was pending, praying that they might be heard upon the subject, and that Wisley Common might not be inclosed.

436. Is Mr. Goddard right in saying that encroachments have been going on since 1866, because I should rather infer, from what you have stated, that that Act prevents encroachments?—It would, no doubt, seem rather odd, that whilst there is power to prevent encroachments, that that object is not effected; but Mr. Goddard is quite right in what he stated, for this reason, that, in consequence of the litigation which has been going on, the Board have been unable to bring the powers of the Act into due operation.

437. Cannot they prevent further encroachment being made in the meanwhile?—They exercise all the powers that they at present have for preventing encroachment, by buying up or acquiring the interests. They would under the Act have the power of making bye-laws, and the power of buying up interests and laying out complete schemes, through the agency of the Inclosure Commissioners, but at present their powers fall short. I am in hopes that this litigation is about to end, and that the Board will be able to exercise their powers to the fullest extent. With regard to Wandsworth Common, that seems in danger of getting spoilt, in spite of the efforts of the Board. The fact is, that the poor people who come out of the prisons of London go and sleep there, and women go there in numbers, and the place becomes a nuisance. In consequence of the building that is going on, the public are driven further and further, day by day, from these places that the Legislature intended to keep for the benefit of the public. The Board make every effort that they can before Committees of this House and Parliament itself for the purpose of preserving open spaces of any kind, and also to secure the open spaces for the benefit of the metropolis.

438. Is it not rather the opinion of the Board that the spaces should be enlarged generally, and that they should lay their hands upon one particular place, which is beyond the present area which is excepted?—Yes; I rather concur in the view that Mr. Scott has taken. We would respectfully submit to Parliament that they should do their best to prevent any place of this nature being devoted to an inclosure, and extend the area of the present open spaces; because it is not only in this particular direction, but there are a great many other directions in which the evil will arise, if Parliament will not watch them. The Board have certainly felt, having regard to the peculiar circumstances connected with this property,

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property, that this is one which we might really very earnestly impress upon Parliament to save for the benefit of the metropolitan public, because the metropolis is getting so large, buildings are increasing hour by hour, as anybody knows who travels upon the South-Western Railway, that it is important to have as many open spaces as possible. What we respectfully submit to this Committee is, that Parliament must meet the necessity of the case. If 15 miles is proved to be insufficient, which I think Mr. Scott has proved, when we find by our daily practice and experience that London is extending itself in such a manner, that there must be a better preservation of open spaces, and commons made for the health and comfort of the people, we then ask Parliament in its wisdom to step in and provide a larger area. If they think they cannot properly do that, at all events, we ask them to prevent further land being inclosed so near the metropolis as Wisley Common is. The inclosure of 300 acres so near the metropolis is, I need not say, a very serious matter.

439. How far is Wisley Common beyond the district excepted by the Act of 1866?—I believe about four miles, as nearly as possible in that direction.

440. It has been stated to be half a mile?—I think they referred to the coal and wine tax area. The area of the Metropolitan Board of Works is not co-extensive with the coal and tax area.

441. That is the area that is referred to in the Act of 1866?—The police area.

442. Is not your area of an uniform radius?—No, it is not. That is rather a difficulty, and one of the evils not provided for by the Metropolitan Local Management Act. We have got no specific limit by map-lines or marks. It is rather a parochial boundary than anything else.

443. Is Mr. Scott right in saying that in the direction of Wisley your extreme limit is as much as 20 miles from Charing Cross?—I am not able to state that.

444. Mr. *Fawcett.*] You have of course studied the Act of 1866 for the preservation of open spaces and commons?—Yes.

445. That Act forbids the inclosure of any open space within a certain area of London?—It does.

446. The Report of the Committee upon which that Act was based shows that in many cases it is undesirable that open spaces should be inclosed at a greater distance than the distance mentioned?—Certainly.

447. Therefore, would you attribute this interpretation to that Act, that Parliament has laid down, that in no case whatever a common within the metropolitan police area is under any circumstances to be inclosed; that is the object of the Act, is it not?—It is.

448. But we may conclude from the tenor of the Report of the Committee, that they contemplated that Parliament should inquire into any case of a proposed inclosure just beyond that district, whether it was desirable to include it or not?—I really think that is a wholesome and safe view.

449. I want to ascertain your opinion from having studied the Act?—As far as my opinion is worth anything (and it is the opinion of us all), it is, that Parliament should be most careful, more especially in these times, to look at it in that light.

450. Then you corroborate what the previous witness said, that the demand for open spaces in the metropolis is constantly increasing, whereas the supply of open spaces is actually decreasing?—I speak with perfect confidence on that point. It is a subject of interest to the Board, and of such deep interest to us who are its officers, that it is our most pleasurable duty to promote the comfort of the people, and if there be any one duty which we undertake with more gratification than another, it is trying to promote the health of the people by preserving open spaces.

451. You have stated that several open spaces in the metropolitan district are at the present moment in litigation?—Yes.

452. I believe you enumerated several; among others, Hampstead Heath?—Hampstead Heath is the largest of them all; then there is Wandsworth Common, which is in litigation, and Wimbledon Common is in litigation; I am glad to say we have contracted to buy Tooting Becke Common; Plumstead Common is another that is in litigation.

453. Then Plumstead Common, Hampstead Heath, Wandsworth and Wimbledon Commons are at the present moment in litigation?—Yes.

454. No one can foresee the result of that litigation for a certainty?—It is impossible.

455. Then if the litigation should prove unfavourable to the plaintiffs in the suits and the public, it is possible to conceive that the public may in a few years lose the whole of those commons?—It will become a very serious question if the rights of the lords with regard to those commons should be established to the extent to which they seek to establish them.

456. *Chairman.*] Are the Metropolitan Board of Works parties to the litigation?—No, we are not parties; we are watching the litigation; we are practically stopped by the litigation.

457. Mr. *Fawcett.*] If the litigation should prove unfavourable to the views which the Metropolitan Board of Works entertain, it is possible that the public may, to a great extent, lose the use of those commons?—Certainly; or, at all events, they may be very much prejudiced and delayed in securing what it was the object of the Act, no doubt, to secure to the public.

458. *Chairman.*] I suppose you have no funds applicable to the purchase of interests beyond your own district?—None beyond the metropolitan commons district.

459. Therefore, if the inclosure were refused, this land would be neither like the land within your district, which you can buy and appropriate, nor like other land which may be inclosed in the ordinary way?—I think, if my memory serves me right, that there is a special clause which enables the Board to contribute to the purchase of a common, even although it is beyond the district for which they are the local authority. It is the 25th clause of the Act of 1866, which, with the permission of the Committee, I will read. "The local authority may, in relation to any metropolitan common for which they are the local authority, and the Metropolitan Board of Works may, in relation to any metropolitan common (although not one for which they are the local authority), contribute such amount as they think fit (in a gross sum or by annual payments or otherwise) towards the expenses of executing any scheme under this Act when confirmed by Act of Parliament, including the payment of the compensation (if any) to be paid in pursuance thereof."

460. Will

460. Will you explain the term "metropolitan common"?—A "metropolitan common" is a common within the metropolitan police district. *W. W. Smith*, Esq. 22 April 1869.

461. Then that section would not apply?—With submission, the words which I have just troubled the Committee with do apply, because the Board are at liberty to appropriate their money to a common which is not strictly a common for which the Board is the local authority.

462. Mr. *Fawcett.*] You have local authority over all the commons within your area?—Clearly, as regards all commons within the metropolis management area. The object of that clause we have always understood to be this, that although the Board may not be the local authority, still they may contribute a portion of the expense, as being within the police radius.

463. *Chairman.*] The 4th section says: "This Act shall apply to any common, the whole or any part whereof is situate within the metropolitan police district, as defined at the passing of this Act (referred to in this Act as a metropolitan common)"?—Wisley Common is close to that district, and I should think some part is within it.

Mr. *Goddard.*] The whole of it is beyond the metropolitan police district.

464. *Chairman.*] If any part of it is within your district, you would have the power. Are you able to state whether the Metropolitan Board, if the price asked were what they considered to be a fair one, would get over this difficulty by coming forward and acquiring this beautiful place for the inhabitants of the metropolis?—I am not authorised at the present moment to express their views upon the subject, because the point has not been actually raised, but I think they would be very glad indeed to have an opportunity of considering the question.

Mr. Henry Cory called in; and Examined.

465. *Chairman.*] Are there any facts which you wish to state to the Committee with reference to Wisley Common?—I have lived at Weybridge for many years, and am acquainted with the whole of the neighbourhood. I hear constantly, when in society, the opinions of the gentry and the inhabitants generally with regard to Wisley Common. It is universally spoken of in this way; "Oh, that charming and delightful place! let us go there, and enjoy ourselves this morning." You are constantly asked, "Have you been to St. George's Hill?" "I have been there once or twice." "Oh, then, let us go to Wisley Common," is the observation that is always made. I think Wisley Common is one of those commons which, from its locality, its beauty, and the advantages attending it, is exceedingly attractive to all the neighbourhood; and not only to the neighbourhood, but to all those ladies and gentlemen who come down upon visits to their friends who live in the neighbourhood. It is universally liked, I may say. I have occasionally made the observation, "They are going to inclose Wisley Common;" to which the reply was, "Oh, dear me, I am very sorry to hear that. Who is going to do that?" It is the universal feeling in the neighbourhood; I believe that there are hundreds of the inhabitants of the neighbourhood who, if called together, with one voice would say, "Whatever you do, don't inclose Wisley Common." Mr. *H. Cory.*

466. It has been stated to this Committee that no objection was made at the time the meeting of the Inclosure Commissioners was held?—I never heard of it until within the last few days.

467. (To Mr. *Marshall.*) The meeting was advertised in the newspapers, was it not?—Unquestionably, and it occupied a considerable time.—(Mr. *Cory.*) I do not for a moment doubt but that the proceedings have been conducted legally, but what I believe is, that practically it was perfectly unknown. As I say, I never heard of it until within the last few days. I have observed that the general feeling in the neighbourhood is, that, of all places, Wisley Common is one which ought not to be inclosed.

468. *Chairman.*] Have you had an opportunity, not only of hearing persons express their intention of going to Wisley Common, but of actually seeing them at Wisley Common?—I have not been there much myself, because I am getting an old man now, and I find it is too far for me, but I do hear constantly of those who do go there; and that people go there constantly in large numbers, I think, particularly on Sunday, when they go down by the railway. I do not think you will find a single person who will be in favour of inclosing Wisley Common.

469. Do you consider that the feeling in the neighbourhood is strong enough to induce gentlemen to raise a fund for the purpose of preserving and purchasing Wisley Common for the benefit of the locality?—I do not know that it would or would not be so. It would depend upon the price which those who have got the right might ask for it.

Mr. John Augustus Tulk, called in; and Examined.

470. *Chairman.*] You reside at Addleston?—Yes. Mr. *J. A. Tulk.*

471. What is the distance of that from Wisley?—I think it is from three to three and a half miles to Wisley Common. I wish to confirm what Mr. Scott and Mr. Cory have stated with respect to the beauty of this particular common, and the desirableness of having it uninclosed for the benefit of the neighbourhood. Many inhabitants of the neighbourhood have taken residences there for the purpose of enjoying the rural district, and of being able to go over these uninclosed lands. If they were inclosed, it is very clear that their properties will be very much injured by it.

472. You mean the inclosed lands generally?—The common lands generally that are about there. There is no doubt that we enjoy these commons more than we do our own inclosed lands, because associated with them are seen that wildness and that beauty of scenery which cannot be found in any other locality. There is no doubt that this particular common is one of the most healthy places in the summer time that anybody can go to. Parties who are fond of microscopical researches can find there objects

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for their microscopes. As Mr. Scott has said, it is a famous place for entomological specimens.

473. Have you seen it frequently from your own observations, or do you state that from what you have heard?—I have only occasionally seen parties going across it.

474. Have you been in the habit of frequenting it?—I have been there occasionally. I I think that is all I have to say on the subject. I think it has been very well discussed.

475. Mr. *Fawcett.*] Are there any other commons in the immediate neighbourhood besides this?—There are Weybridge Common and Ockham Common.

476. Ockham Common, although not inclosed, is no longer a common?—Practically, it is no longer a common, because it may be inclosed.

477. Ockham being no longer a common, anybody can be taken up as a trespasser who went there to-morrow, I suppose, because, the land being inclosed, he will be there on sufferance?—No doubt.

478. The other places which are frequented in the neighbourhood are not commons, but still the public have no right to go there?—There is some portion of Weybridge Common which is uninclosed.

479. But still there is no considerable tract of common ground?—I think not. It is the most beautiful neighbourhood that you can possibly conceive. It would be a thousand pities if it were inclosed.

BENJAMIN SCOTT, Esq., called in; and further Examined.

B. Scott, Esq.

480. *Chairman.*] I BELIEVE there is something you wish to add to your evidence?—There is one point which I forgot to mention at the moment, that this common is within half an hour's drive of Claremont, which the Queen now uses as a Royal residence. The inhabitants of Esher sent in a memorial, very numerously signed, to the Home Secretary, to be transmitted to Her Majesty, praying that she would make inquiry upon the subject.

481. Mr. *Fawcett.*] Was this memorial sent from Esher to Her Majesty?—It was sent from Esher, signed by almost all the principal inhabitants, and was transmitted by Mr. Bruce, the Home Secretary, to Her Majesty; and by Her Majesty's command it was transmitted to the Inclosure Commissioners. One of the inhabitants received a letter the other day informing him that the Commissioners would not deal with the subject, because it was before this Select Committee of the House of Commons. I thought it my duty to mention that fact, so that the Committee might have their attention drawn to it, because it is certainly, without any exception, the most desirable drive that Her Majesty can have in the neighbourhood. It is a drive of over two miles. I do not know whether the Queen may be considered as one of the public; but I believe I have done my duty in mentioning it.

Mr. ROBERT BOARMAN, called in; and further Examined.

Mr. *R. Boarman.*

482. *Chairman.*] HAVE you read Mr. Weatherall's report of the 5th of December?—Yes.

483. Are the statements contained in it correct?—Yes.

484. Do you assent to the statements which have been made about the valueless character of this land for agricultural purposes?—Not to the price I heard just now.

485. Could the land with anything like facility be applied to agricultural purposes?—A portion of it could be.

486. A small portion of it?—No, more than half of it could be. Any attempt to get it all under cultivation would of course require a large outlay.

487. You think that half might be made available for agricultural purposes, so as to be remunerative?—Yes.

488. And the other half not?—Not without the outlay of capital.

489. With an outlay of capital, would it pay to do so?—I think it would pay eventually.

490. Mr. *Fawcett.*] Do you say that after careful calculation?—After, we will say, 20 or 21 years, supposing any person had a lease of it.

491. You stated in your former examination that very extensive drainage works would have to be carried out; have you estimated what those drainage works would cost?—No, I have not.

492. If you have not done that how can you possibly form an estimate as to how much it will take for drainage?—I could form a little idea.

493. You have made no estimate of the cost of drainage?—We can form an opinion, although we do not go into figures.

494. This drainage, as I understand you, would be very difficult to carry out?—You would have to sink several ditches to get the water; you might possibly take it under the river.

495. You do not know whether you would have to take it under the river or not?—No.

496. Therefore your opinion that it would be remunerative to cultivate it is a mere surmise, and not based upon any calculation?—No, it is not.

Monday, 26th April 1869.

MEMBERS PRESENT:

Mr. Brown-Westhead.
Mr. Fawcett.
Mr. Goldney.
Sir Francis Goldsmid.
Mr. Frederick Stanley.

SIR FRANCIS GOLDSMID, IN THE CHAIR.

Mr. WILLIAM WYKE SMITH, again called in; and further Examined.

Mr. *W. W. Smith.*
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497. *Chairman.*] WHEN the Committee separated on Thursday, I asked you to consider whether you had anything further to suggest as to any mode in which the Metropolitan Board of Works could deal with this question?—Since you were kind enough to put the question to me, I have sketched out an answer which, if you will permit me, I will now give: "Since the last meeting of the Select Committee I have had an opportunity of conferring with the Parks and Open Spaces Committee of the Metropolitan Board of Works, with reference to the suggestion made by the Honourable Baronet, the Chairman of the Select Committee, as follows: '*Chairman.* I should like to know whether you think that if the Metropolitan Board of Works were disposed to buy this common at a fair price, as recreation ground for the public, they could get any authority to do so this Session? I ask the question merely for my own information, and not as expressing any opinion upon the part of the Committee. Just think over it before we meet again, and see if there is any possibility of authorising them to buy it, supposing they are willing to do so.' I find from the Committee that it is unlikely that the Board will themselves seek to get authority this Session to buy this common, and that if Parliament should pass the Bill now in the House of Commons, or any measure to extend the Metropolis Commons Act, the Board would not necessarily engage to purchase Wisley Common in the ordinary sense of purchase, but that if that common were brought within the Board's power, the same process would in all probability be applied to it as if it were now within the Board's area. (*i. e.*) The mode of effecting improvement under this Act is by a scheme for these purposes (*i. e.*), establishing a local management, with a view to expending money on drainage, levelling, and improvement, and to the making bye-laws and regulations for the prevention of nuisances, and preservation of order on commons, and a memorial may be presented to the Commissioners by the lord of the manor, or any commoners, or by the local authority (sec. 6). The memorial may then be inquired into (sec. 7), and the Commissioners may prepare a draft scheme, and have it printed and circulated (sec. 9), and during two months the Commissioners may receive any objections or suggestions (sec. 10). The scheme may after two months be referred to an Assistant Commissioner, who may make inquiries, and hold sittings, and take evidence and hear objections or suggestions, and notice of the sittings shall be published (sec. 11). The Assistant Commissioner to report to the Commissioners, who may, if they think fit, finally settle and approve the scheme (sec. 13), which scheme must state what rights are to be affected by it, and how, or whether consented to (sec. 14), and no estate or right of a profitable or beneficial nature is to be taken away or injured without compensation, which is to be ascertained under the Lands Clauses Consolidation Act (sec. 15). If any one interested in the common be dissatisfied with the scheme of the Commissioners, a decision may be obtained in an action at law, as provided by sec. 56, 8 & 9 Vict. c. 118, (sec. 16). The Commissioners are annually to report proceedings to Parliament, with all the grounds of approval and objections, but the scheme is to have no operation unless confirmed by Parliament; and if the matter be opposed in Parliament, the Bill may be referred to a Select Committee, and the petitioner be allowed to appear (secs. 20 to 23). What scheme in fact might be approved by the Board, the Inclosure Commissioners, or Parliament, might and probably would depend on inquiry before and after going before the Commissioners, more especially having regard to sections 6, 9, 10, 11, and 13 of the Metropolis Commons Act."

498. That is merely referring the Committee to the Act, and stating that the Board does not intend to take any action itself, but if Parliament chooses to extend its jurisdiction, that they will deal with it?—That is substantially so. I have had a plan coloured which I think might be useful to the Committee, which shows all these different commons (*producing the same*). Perhaps the Committee will allow me to hand in a short analysis of the Metropolitan Commons Act (*handing in the following Paper*):—

"METROPOLITAN BOARD OF WORKS.

"ANALYSIS, by the Solicitor, of the METROPOLITAN COMMONS ACT, 1866.

(*Ordered to be Printed, 28th September* 1866.)

"The local authority, in reference to the Act as to each metropolitan common, the whole or part of which is within the metropolis as defined by the Metropolis Management Act, 1852, is this Board, and the rate to be raised is the ordinary Board rate. As to commons within a local board's

Mr. W. W. Smith.

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area, and not being within the metropolis, the local authority is the local board, and the rate to be resorted to is the general district rate. As to any other common, the vestry is the authority, and the rate is to be the poor rate—(*See* sec. 2, and Schedule).

"The definitions are, that 'common' means land subject to any right of common. 'The commoner,' a person having any such right. 'manor' is to include reputed manor. The term 'Commissioners means the Inclosure Commissioners for England and Wales—(Sec. 3).

"The Act is to apply to any common, the whole or part of which may be within the Metropolitan Police District—(Sec. 4).

"After the passing of the Act, the Commissioners are not to entertain an application for the inclosure of a metropolitan common, but no proceedings already taken are to be stopped—(Sec. 5).

"The mode of effecting improvement under this Act is by a scheme for these purposes, *i. e.*, establishing a local management, with a view to expending money on drainage, levelling, and improvement, and to the making bye-laws and regulations for the prevention of nuisances, and preservation of order on commons, and a memorial may be presented to the Commissioners by the lord of the manor, or any commoners, or by the local authority—(Sec. 6).

"The memorial may then be inquired into (Sec. 7), and the Commissioners may prepare a draft scheme, and have it printed and circulated (Sec. 9), and, during two months, the Commissioners may receive any objections or suggestions—(Sec. 10).

"The scheme may, after two months, be referred to an Assistant Commissioner, who may make inquiries, and hold sittings, and take evidence and hear objections or suggestions, and notice of the sittings shall be published—(Sec. 11). The Assistant Commissioner to report to the Commissioners, who may, if they think fit, finally settle and approve the scheme (Sec. 13), which scheme must state what rights are to be affected by it, and how, or whether consented to (Sec. 14), and no estate or right of a profitable or beneficial nature is to be taken away or injured without compensation, which is to be ascertained under the Lands Clauses Consolidation Act—(Sec. 15).

"If any one interested in the common be dissatisfied with the scheme of the Commissioners, a decision may be obtained in an action at law, as provided by sec. 56, 8 & 9 Vict. c. 118—(Sec. 16).

"The schemes are to be printed for sale at all times, and the schemes, when approved, are to be sealed, and the Commissioners shall print them, and give copies to the lord of the manor, and to the local authority, and cause them to be circulated so as to give information to parties interested—(Secs. 17, 18, 19).

"The Commissioners are annually to report proceedings to Parliament, with all the grounds of approval and objections, but the scheme is to have no operation unless confirmed by Parliament; and if the matter be opposed in Parliament, the Bill may be referred to a Select Committee, and the petitioner be allowed to appear—(Secs. 20 to 23).

"As to the expenses, any expenses incurred by the Commissioners as to any memorial or scheme are to be paid by the memorialists or ratepayers, or inhabitants willing and offering to pay, or by the local authority, if willing, and payment or security may be demanded for those expenses if offered, and the local authority may, as to any common for which they are the local authority, and this Board may, whether they are the local authority or not, contribute towards the expenses of any scheme, including the compensation, if any—(Secs. 24, 25, and 26).

"Where lords of manors, or others, are under disability, or beyond seas, guardians or attornies may act—(Sec. 28).

"Provision is made for the consent of the Crown and Duchies of Lancaster and Cornwall, as to being given by their representatives—(Sec. 29.)

"Lords of manors, and others interested, may appoint agents as to any memorial or scheme.

"The Crown may vest manorial rights in the Commissioners, for the purposes of a scheme under the Act—(Sec. 32)."

499. Mr. *Fawcett.*] Is there not a project this Session for the inclosure of Hay's Common?—That is not in the area of the Metropolitan Board of Works, therefore, if that is so, that must be by another body. The Metropolitan Board of Works have lately prepared a draft memorial for a scheme with reference to Blackheath.

500. *Chairman.*] Hay's Common is within the Metropolitan Police District, is it not?—It is.

501. Suppose Wisley Common to be brought within the district of the Metropolitan Board of Works, an Act similar to that introduced with reference to Hay's Common would be brought forward?—Precisely; we should bring to bear all the provisions of the Metropolitan Commons Act, 1866, to that common, just as we propose to do with regard to any other common within the Metropolitan Board of Works' jurisdiction.

502. The scheme which has been introduced for Hay's Common has produced general satisfaction to the lord of the manor, has it not?—I rather think it has.

503. Mr. *Goldney.*] How would the officials of the Metropolitan Board of Works be put into motion with regard to commons that are within the area?—I will take one instance, Blackheath, which is a very interesting common to the public. The Board examine into these matters by their officers; they are either put into motion by the parties interested, or they have their attention called to it by others. It is a subject of great importance to them; they send their officers down to the common, who report to them the facts with regard to it. With regard to the case of Blackheath, which I will allude to for a moment, they had careful plans made of Blackheath, and they inquired very carefully into all the circumstances connected with it; they wished to abate nuisance and annoyance complained of there. After inquiring into all the circumstances, they then take the whole matter into careful consideration, and prepare a memorial, which they present to the Inclosure Commissioners, asking the Inclosure Commissioners to prepare a scheme; when the Inclosure Commissioners have prepared a scheme, it is considered by them, and reported upon by their officers. They must give certain notices under the Act, and then the parties will be heard as to their rights.

504. It was with reference to their being put into motion that I asked the question, "Have the Metropolitan Board of Works a Committee for the consideration of matters connected with commons alone?"—Yes, exclusively; parks and open spaces.

505. Have they ascertained all the commons and open spaces within their limits?—They have.

506. And

506. And they have general plans of them?—They have.

507. Have that committee ever reported to the Board the necessity of extending the area?—I think not, except with regard to this particular Bill.

508. What have they done with respect to this particular Bill?—With regard to this particular Bill, the moment they heard of it they presented a petition to Parliament, praying that Wisley Common might be struck out of the Inclosure Bill.

509. Did they do that of their own motion as a committee sitting upon commons generally, or did they do it on the solicitation of other parties?—To the best of my belief many parties represented to them that it was a matter which the Board ought to take up; I have no doubt it did originate with some members of the Board; in fact, I recollect particularly one member of the Board did call the attention of the Board to this subject, and suggested that a petition should be presented against the Bill.

510. Do the Inclosure Commissioners, as a matter of course, send the Metropolitan Board of Works copies of their reports?—No.

511. How does what is going on, with regard to the Inclosure Commissioners, come to your knowledge?—In any case where the report is before the Commissioners, we should be in communication with them on the subject.

512. I am not speaking of your own area; but my question is, how you become acquainted officially with the proceedings of the Inclosure Commissioners, with reference to commons outside your area?—We have no other means than any other person has; we take it from the votes and proceedings of Parliament.

513. There is no official communication made by the Inclosure Commissioners respecting anything that is outside your area?—None.

514. With reference to anything which is inside your area, you are the parties who must regulate them?—Not necessarily so.

515. Are not the Inclosure Commissioners excluded from taking original action?—The Inclosure Commissioners are excluded, as appears by section 5, but the Metropolitan Board is not excluded.

516. Under section 5, after the passing of the Act, the Commissioners are not to entertain an application for the inclosure of a metropolitan common, but no proceedings already taken are to be stopped; therefore they cannot, except through you, entertain anything?—That is quite right; their jurisdiction, except under the machinery of this Act, is taken away.

517. They cannot entertain a communication from private individuals inclosing things within their area?—They can entertain them from private individuals, but then they must pursue the machinery of the Act. The 5th clause provides, "After the passing of this Act, the Commissioners shall not entertain an application for the inclosure of a metropolitan common, or any part thereof; but nothing in this Act shall interfere with the carrying on and completion of proceedings under any provisional order of the Commissioners confirmed by Act of Parliament, passed before or in the present Session; and, notwithstanding any proceedings taken under any Act other than this Act, or any provisional order of the Commissioners, made, but not already confirmed by Act of Parliament, proceedings may be taken under this Act in relation to any metropolitan common."

518. Mr. *Fawcett.*] The scheme for the management of Hay's Common originated with the inhabitants, did it not?—I believe it did.

519. Not from the Metropolitan Board of Works?—Certainly not from the Metropolitan Board of Works, for it is not within the area of the Board.

520. Mr. *Brown-Westhead.*] How far does Hay's Common lie beyond the area of the Board?—I do not know; the limit of the Metropolitan Board of Works is not very well defined, it runs in and out.

521. *Chairman.*] Where is Hay's?—There are two Hay's Commons, Hay's in Kent, and Hay's near Uxbridge; if it refers to Hay's near Uxbridge, I have seen that; but I have not seen Hay's Common in Kent, which has nothing at all to do with our area.

522. Mr. *Brown-Westhead.*] Have not the Board taken some action with regard to that?—No.

523. Mr. *Fawcett.*] Is not Hay's within the "Metropolitan Commons Act," and not within the area of the Metropolitan Board of Works?—Yes.

524. I presume the Metropolitan Board of Works would like to see the inclosure of Wisley Common postponed until Parliament has expressed its opinion as to the advisability of extending the distance to which the "Metropolitan Commons Act" would apply?—They presented a petition asking that Wisley Common might be struck out of the Bill; and I have no doubt that that is their desire.

525. You mean that they presented a petition that it might be struck out of the Bill which is now before Parliament?—Yes, a Bill has been brought in by Mr. Thomas Chambers; I am not sure that it is printed, but I have seen the Bill.

526. Have you a copy of the petition of the Metropolitan Board of Works?—Yes, I have.

527. Will you state the purport of it?—As it is not very long, perhaps I had better read it to the Committee.

"In the House of Commons, Session 1869.

"Inclosure of Lands.

"To the Honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled:

"The humble Petition of the Metropolitan Board of Works under their common seal,

"Showeth, that a Bill has been brought into your Honourable House, intituled 'A Bill to authorise the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales.'

"That your Petitioners are much interested in seeing that commons and open spaces near the metropolis shall be preserved, as far as possible, as places of resort and recreation for the public.

"That

Mr. *W. W. Smith.*

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"That all such open spaces are getting less in number in consequence of inclosure and building.

"That your Petitioners observe that in the Schedule to the said Bill is a tract of land at Wisley, in the parish of Wisley, in the county of Surrey, to be affected by the said Bill.

"That such land consists of about 375 acres, and is within 20 miles of London, and it appears to your Petitioners most important that such lands should not be inclosed.

"That such land is not correctly described by the Inclosure Commissioners in their 24th Report as 'pasturage of very small value,' but is of great and increasing value as building land, being intersected by a high road throughout its whole extent.

"That your Petitioners are of opinion that if Parliament should determine to inclose Wisley Common, it should be disposed of (divested of its manorial rights) to the highest bidder, and the proceeds applied in procuring additional parks or open spaces for the use of the people, or in the reduction of taxation for parochial relief.

"That your Petitioners are of opinion that Wisley Common is most beneficial to the metropolis and the county of Surrey, in its present condition.

"Your Petitioners therefore humbly pray of your Honourable House, that the said Inclosure of Lands Bill may not pass into a law in its present shape, but that the tract of land at Wisley, in the parish of Wisley, in the county of Surrey, may be excluded from the operation of the said Bill, and be taken out of the Schedule thereto.

"And your Petitioners will ever pray.

"Sealed by order.

(signed) "*John Pollard*,
Clerk of the Board."

528. That petition does not state anything with reference to the area being extended?—No; at that time the Bill had not been brought in which has since been brought in by the honourable Member for Marylebone. Perhaps I may be permitted to state, with regard to that Bill, that I ascertained from the Parks and Open Spaces Committee of the Board on Saturday, that they certainly will not oppose the Bill which Mr. Chambers has brought in. They feel that if Parliament should think it right to extend the area, that it will be the duty of the Board to endeavour to carry out the Act in its altered form.

BENJAMIN SCOTT, Esq., again called in; and further Examined.

B. Scott, Esq.

529. *Chairman.*] I BELIEVE you wish to add something to your former evidence?—I wish to make a correction with reference to the answer I gave to Question 367. I stated that Wisley Common had been used for the purpose of reviewing the volunteers, and that a military display and sham fight had been held on Wisley Common; I was misinformed on that point; I am now informed, what I believe is the fact, that the review was confined entirely to Mr. Buxton's grounds which border the common, and that Lord Lovelace did not allow the common to be used for that purpose. I am also at liberty to make a communication to the Committee upon a subject on which I could not speak when I was examined before them on Thursday. It is due to Mr Buxton to state that as early as the 18th of March last he made a communication to me, as an inhabitant of Weybridge, offering to dedicate a portion of the common to the public if it could be arranged that this inclosure should take place. The communication was marked "Strictly confidential." I received a subsequent letter from Mr. Buxton to the effect, that he had made that communication to me under some misapprehension, and therefore I felt in honour bound to close my mouth upon the subject, both in public and in private. I considered the matter was at an end, and that I had no business to mention it, either in Weybridge or when I was examined before this Committee; Mr. Buxton, however, has addressed a letter to the "Standard" newspaper, which appears this morning, on the subject, and I have his permission to direct the attention of the Committee to a paragraph in that letter. He says, "I never, however, had the least intention of fencing in the part allotted to me; in fact, my sole object is to keep it open, by preventing the inclosure of the strip between it and the road, and if the proposed arrangment should be carried out, I should not only keep it open myself, but I should take care that my successors are bound to do the same. In fact, so far from this being a "gross job," I am acting entirely in the interest of the public; not that I mean to claim any particular credit for that, because it so happens that the interests of the public and my own are one and the same. No one would dislike so much as I should to see this part of Wisley Heath inclosed; and as I have explained, it is expressly for the purpose of keeping it open that I have consented to this costly bargain. No one can be more anxious than I am that the people should have access to country enjoyments. Highly appreciating them myself, I cannot endure to see the people deprived of them; and I think my neighbours will admit that I act on this feeling, as I allow any one to walk, ride, or drive at all times through any part of my grounds without any restriction whatever, a privilege of which the public avails itself largely. In conjunction with my relative Sir Fowell Buxton, and others, I have taken an active interest in stopping the inclosure of Epping Forest, and have in other ways done my best to maintain the rights of the people in this respect; and the course I have taken with respect to Wisley Heath has been in perfect accordance with this principle." The "costly bargain" to which Mr. Buxton refers in the early part of his letter was a negotiation, by which, as I am informed, he had contracted to purchase some land of Lord Lovelace. I thought that it was due to Mr. Buxton to make this communication, which I should have made, however, without his consent, as he has published it in the paper of to-day, and I leave it in the hands of the Committee. Perhaps it may lighten the difficulty which is imposed upon them, by the reference from

from the House of Commons, to know that the amount of land I think includes very nearly one-third of the common which is thus so liberally offered by Mr. Buxton to be dedicated to the use of the public.

530. About 100 acres?—About of 100 acres That is all I am at liberty to say with regard to Mr. Buxton's proposal.

531. Do you conceive that that offer of Mr. Buxton's would considerably modify the objections entertained by the residents in the neighbourhood to the inclosure?—There is no doubt that if that portion of the heath were dedicated, so much of it would be saved for the enjoyment of the inhabitants of the neighbourhood; but I rather place the matter before the Committee, in the hope that it may facilitate the acquisition of the remainder of the common for the use of the public, upon terms which would be fair and just to the lord of the manor.

532. Mr. *Goldney.*] Why do you think that the lord of the manor has a better right than the commoners?—I have not called in question at all either the right of the lord or the commoners.

533. I thought you alluded to making a sort of saving of a right to compensation for the lord?—I should have said the parties entitled to it.

534. You do not think that the lord is entitled to compensation any more than those who have the surface of it?—No.

535. Mr. *Fawcett.*] Then if Mr. Buxton gives this 100 acres, it will simply be an act of generosity on his part?—Exactly.

536. He is no more bound to do that than Mr. Locke King or the rector?—Undoubtedly not.

537. You are anxious of course to have the whole common, if possible, preserved; but if you cannot get that, of course Mr. Buxton's 100 acres will be much better than nothing?—That is very true, but I was in hope that this concession on the part of Mr. Buxton might facilitate an arrangement between the rest of the parties for the acquisition of the remainder.

538. Do you mean by "facilitate," that Mr. Buxton's good example will be followed by Mr. Lovelace and Mr. Locke King?—No doubt; all good example has its influence; but I feel more particularly that the amount of the land to be purchased would be reduced, and so it would be more easily acquired through the intervention of the Metropolitan Board of Works, or in any other way that this Committee may point out.

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539. Are you aware that it would be necessary to get an Act of Parliament passed before the Metropolitan Board of Works could purchase it?—Yes.

540. Therefore what you propose now is, that all action should be suspended until Parliament had decided whether or not to extend the area of the Metropolitan Commons Act?—That would, no doubt, be a very convenient mode of proceeding; I have no doubt whatever that if this Committee were to recommend the purchase of the common, that Parliament would readily fall in with such a suggestion.

541. *Chairman.*] When you speak of purchasing, where do you expect the funds to come from?—I asked the question on Thursday, whether the residents who are so anxious that this common should not be inclosed, will provide the purchase money; are you able to give an answer to that question?—I think the question was rather addressed to Mr. Smith, the solicitor to the Metropolitan Board of Works; I apprehend that if the inhabitants of the Metropolis desire to preserve open spaces, as they most undoubtedly do, that it would be fair to levy upon them a rate to make such a purchase. The amount would be perfectly insignificant compared with the rental of the Metropolis, and perhaps the adjacent parishes, or that portion of the county of Surrey which would be particularly benefited, might fairly be included in such taxation; I believe a very insignificant tax would acquire all the rights in connection with this common.

542. The solicitor to the Metropolitan Board of Works has given an answer for them; but my question to you was, whether there was any possibility of raising a fund in the neighbourhood for the purpose?—I think, with reference to the immediate neighbourhood, that there might be some difficulty in obtaining the necessary sum; but, as I have already represented to the Committee, it is to the interest of the whole Metropolis to keep these open spaces, and will become so increasingly, I think it fair therefore that the Metropolis should be taxed for the purpose.

Mr. Charles Buxton, a Member of the House; Examined.

543. *Chairman.*] Do you suggest that there should be any Board constituted for taking care of the ground which you propose to give, or how would you propose that the matter should be dealt with?—I did not, as I understood Mr. Scott to say, propose a bargain that I would keep it open if the opposition was withdrawn. I merely informed him of the intention I had; I do not propose to offer to make any legal agreement on the subject at all with the view of inducing the opposition to be withdrawn, and keep it entirely in my own hands. I merely informed Mr. Scott, amongst others, that it is my intention, if it be kept open, or if the arrangement is carried out, to keep it open, and to bind my successors to do so, but I do not at all want to put that forward as an inducement to the others to withdraw their opposition; I merely mention that as my feeling.

544. You merely mention it as the expression of an intention, but not as entering into any legal obligation?—No.

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545. You would not like, for instance, that it should be put in the shape of a clause into the Bill?—No; I should wish to let it be taken for good or not, as people might feel inclined.

546. Mr. *Goldney.*] In the event of the whole common being left open or any sectional area of it, it would require a large expense to bring it into public use, would it not; for instance, there must be some roads laid out, drains made, and so on?—No, I do not think there would be any expense at all requisite. The part I should keep open would be the other end of it, and it would remain just as it is now; if people liked to walk upon it they would be at liberty to do so.

547. In the same way that you now give permission

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mission with respect to any other parts of the common?—Yes; I would let anybody come if I do not find that they do any harm.

548. That would be your intention?—Yes; I should treat it just as I do the rest of my land; I should let anybody come who pleased, and as I say, I would see that my successors carried out the same system.

549. Mr. *Fawcett.*] Can you bind your successors in perpetuity?—I have not consulted any lawyer upon that point; I am sure I do not know whether I can or not.

550. You could not, without vesting it in some trustees representing the public. You could not bind your successors in perpetuity if they are to maintain the fee of the land?—I was not aware of there being any difficulty of that sort, but I suppose it could be got over by some arrangement like what you suggest, by leaving it to a certain extent in trust. I presume that there would be some machinery found for carrying out an intention of that sort, but that point I have not consulted any lawyer upon.

551. *Chairman.*] Is it already arranged, in case the inclosure should be carried into effect, what part of it is to be allotted to you?—Yes; I have agreed with Lord Lovelace and Mr. Locke King that 80 acres at my end of the common shall be allotted to me.

552. That is the London end?—Yes; and a further part would be taken by Lord Lovelace and Mr. Locke King.

553. Mr. *Fawcett.*] How much would your share be?—Eighty acres.

554. Then, as far as I understand, there is not the slightest reason why you should dedicate this to the perpetual use of the public any more than Lord Lovelace or Mr. Locke King should dedicate their portion to the use of the public. Your right to the 80 acres is just as great as theirs?—Yes; it stands exactly upon the same grounds.

555. Then it would simply be a gift on your part?—That is to say, I should leave the land as it now is. I should not set up any fence; I should let it remain open; that is all I should do. I should take care, if I could legally do so, which I have not ascertained, that my successors did the same.

556. *Chairman.*] I remark, on looking at the plan, that there is a strip of land on each side of the turnpike road; if I understand the plan rightly, the strips both in Ockham and Wisley are used for riding?—Yes; I have always understood, I do not know that I have it on any good authority, that the Portsmouth-road is in the hands of commissioners or trustees; that it is of very considerable breadth, and that the turf we ride upon by the roadside belongs to the trustees of the road, and not to the common on either side. That is my impression, but I have never ascertained that upon any good authority.

557. It is a strip of about 12 feet wide, is it not?—Twelve or 14 feet.

558. Is there any other part of the common that is smooth for riding on besides those pieces on the Portsmouth-road?—There are soft sandy tracks across every part of it that are very pleasant for riding. It is not good riding when you get off those tracks, but one can ride over it in that way very pleasantly along those sandy tracks.

559. Is it the case, as stated by one of the witnesses, that the driftways are practical for carriages?—It would be very heavy going for a carriage.

560. Except so far as you are going to give up the whole of what would be allotted to you, you are not personally in the least degree interested in this inclosure?—My interests are to a certain extent balanced. If this arrangement is not carried out, the lord of the manor of Wisley would retain in his own hands the strip of land which lies between the heath and the road, and if he or his successors pleased, they would be able to inclose that. In that case it would cut the portion of the heath that lies near my house off from the high road.

561. Have you no land in Ockham?—None at all; Mr. Marshall has asked me to mention that I have not seen picnic parties, or the public making use of that part of the common. They come a good deal to the "Hut," but that is on Ockham Heath.

562. *Chairman.*] That is a public-house?—Yes; they come out there to refresh themselves, and they walk about. I have not seen picnic parties on my part of Wisley Common.

563. Mr. *Fawcett.*] The public visit St. George's Hill a great deal, do they not?—Yes.

564. The public only go to St. George's Hill and Ockham, which are favourite resorts, upon sufferance; they may be turned out at any time, may they not?—They may be excluded at any time from either of those places.

565. Supposing they were excluded from St. George's Hill and Ockham, a great many of them would naturally go to Wisley?—That is very probable.

Mr. Arthur Pennell, called in; and Examined.

Mr. *A. Pennell.*

566. *Chairman.*] Where do you reside?—About a mile-and-a-half from Wisley Common; between Weybridge Station and Wisley Common, with my father, Sir Henry Pennell, who would have attended the Committee, had he not been unfortunately prevented.

567. What statement do you wish to make?—I wish particularly to draw the attention of the Committee to the number and peculiar character of the inhabitants of the villages on the London side, which may be almost said to be suburban villages. I believe they amount to 10,000.

568. Will you name the villages?—The villages that I allude to were all mentioned as abutting on the common; they are Cobham, Weybridge, Walton-on-Thames, Esher, and another parish, of which I forget the name. The inhabitants are a peculiar class of people, chiefly having business in London, and who come down for the sake of country air at great expense and trouble.

569. Mr. *Goldney.*] How far is the village (as you describe it) of Walton-on-Thames from this common?—The parish was described by one of the witnesses as abutting on the common.

570. How far is Walton-on-Thames, which I suppose is the most populous of these villages, from

from the side of the common?—The nearest inhabited part of it is about three miles; it comes on to Walton Common, which almost adjoins Wisley Common.

571. It is on the other side of the railway, is it not?—Yes; the village is very nearly five miles from the common. The whole of the parish is laid out in villas and small houses, which extend in the direction of Wisley Common, and not on the other side at all, which is cut off by the river Thames.

572. Mr. *Brown-Westhead.*] Is Cobham Common inclosed?—I am not sure; there is one bit of common open, but whether there has been another common inclosed or not, I do not know.

573. Is there not another large open tract in this immediate neighbourhood, besides Wisley Common? — Wisley Common is peculiarly a common where you can ride with great pleasure. I may say that there is no common anywhere nearer than Woking where you can ride at all; it is the only ground in the neighbourhood where an immense deal of riding, driving, and walking, takes place.

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574. How far is Woking Common from this inclosure?—Woking Station is seven miles from Weybridge Station, and the common would be between five and six miles; practically, Woking Common is quite useless for riding; no one rides there; it is much exposed and is a very disagreeable common to ride upon; as regards the naturalist's point of view, which perhaps is hardly to be mentioned, there are one or two birds which are scarcely found any where else; for example, the *sylvia provincialis,* and there are also many uncommon insects.

575. Mr. *Goldney.*] There are not many plants which would interest anybody, I believe?— I am not a botanist myself, but I am given to understand that there are many rather rare plants.

REPORT

FROM THE

SELECT COMMITTE

ON

WISLEY COMMON;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed*,
26 *April* 1869.

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Under 4 *oz.*